

LOCAL BILL POLICIES AND PROCEDURES MANUAL

2006

**Florida House of Representatives
Local Government Council**

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Forward

This manual outlines the policies and procedures of the Florida House of Representatives for drafting and filing local bills. It provides constitutional and statutory requirements for local bills regarding publication of notice, referenda, and prohibited subjects. This manual also discusses the creation of independent special districts and the codification of special district charters.

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Chapter

1

How A Local Bill Becomes Law

1. What is a local bill?

A local bill is legislation relating to, or designed to operate only in a specifically indicated part of the state, or one that purports to operate within classified territory when classification is not permissible or legal in a general bill.¹ Local bills, when passed by the Legislature and not vetoed by the Governor, result in local laws (which are commonly referred to as “special acts”).

2. Why are local bills proposed?

Local bills generally are proposed when:

- A local government is limited in its authority to accomplish a specific goal and must ask the Legislature for a special act;
- An area wishes to be exempted from a general law; or
- The Legislature has retained authority to decide the local issue by special act (e.g., municipal incorporation and creation of independent special districts).

3. Who conceives or initiates a local bill?

A local bill usually is requested by:

- A member of a local legislative delegation;
- The county governing body;
- The municipal governing body;
- A locally elected official;
- A special district or other local entity; or

¹ *State ex rel. Landis v. Harris*, 0163 So. 237, 240 (Fla.1934).

- A member of the public.

4. What is the process for filing a local bill in the House of Representatives?

- An interested party may submit a request for a local bill either verbally or in writing to the local legislative delegation² or any member of the delegation.
- The local legislative delegation has the discretion to hear or not hear the issue being proposed for a local bill. If the local legislative delegation agrees to consider the proposed local bill, a local public hearing is scheduled. Although the public hearing is not required by law, House policy requires all proposed local bills be heard by the local legislative delegation at a public hearing in the area that would be subject to the local bill. The proposed bill is then voted on by the local legislative delegation.
- A local legislative delegation's rules govern the requirements for approval of a local bill for introduction. Usually, a majority of the legislative delegation must approve the proposed local bill for introduction; however, a delegation's rules may require unanimous approval.
- Custom and courtesy suggest that a member of the local legislative delegation in the area affected by the proposed bill sponsor the bill. County or municipal attorneys, or other appropriate local officials, are expected to draft local bills. House Bill Drafting Services reviews all drafts, correcting any technical errors and making other changes as required to conform to the requirements of the Florida Constitution, Florida Statutes and House rules.
- If the local legislative delegation agrees to support the issue and introduce the local bill, the legislative delegation, or the local entity requesting the local bill (e.g. city, county, special district, incorporation study commission) usually is responsible for placing a legal advertisement in a newspaper of general circulation.
- A legal advertisement of the proposed bill **must** be placed in a newspaper of general circulation at least 30 days prior to introduction in the House or Senate. If the bill is subject to a vote of the citizens (referendum), this legal advertisement is not required.

² Defined as a group of legislators who represent parts of the same county or geographical area, who meet to hear issues, consider requests for money, and afford interested parties an opportunity to come forward and discuss issues of concern. A list of the local legislative delegations is found at <http://www.leg.state.fl.us>.

- Proof of publication **must** be attached to the original copy of the bill when filed with the House Clerk or Senate Secretary. An affidavit of proof of publication is furnished by the newspaper that published the notice.
- Pursuant to House Rule 5.2(a), all local bills **must** be filed with the Clerk by 12:00 noon of the first day of the regular session.
- Local Bill policy adhered to by the House of Representatives requires the bill be filed with a completed, original and signed *Local Bill Certification Form* and a completed, original and signed *Economic Impact Statement* form. (The forms are available at <http://www.leg.state.fl.us>.)

5. Must the required public hearing where the legislative delegation votes on the local bill be open to the public?

Yes. The public hearing where the vote on the local bill is taken must be open to the public. Also, any delegation meeting to discuss proposed legislation where no actual vote is taken is subject to the requirements of Article III, section 4(e) of the Florida Constitution. This provision requires that the rules of procedure of each House of the Legislature must provide that all prearranged meetings between more than two members of the Legislature at which legislation is discussed shall be reasonably open to the public.

It is recommended that the delegation provide notice of the public hearing. The type of notice provided depends on the facts of the situation. The notice should be designed to reach all those interested in the bill. In some instances, posting of the notice in an area set aside for that purpose may be sufficient; in others, publication in a local newspaper may be advised.

6. What guidelines exist for notice for legislative delegation meetings?

The Florida Attorney General has suggested the following guidelines:

- A. The notice should contain the time and place of the meeting and, if available, an agenda (or if no agenda is available, subject matter summaries may be used);
- B. The notice should be prominently displayed in an area set aside for that purpose (e.g., for cities, in city hall);
- C. An emergency meeting should be afforded the most appropriate and effective notice under the circumstances, and special meetings should have at least 24 hours reasonable notice to the public; and
- D. The use of press releases and/or phone calls to wire services and other media is highly effective. On matters of critical public concern such as rezoning, budgeting, taxation, and appointment of public officers, advertising in the local newspapers of general circulation is appropriate.

Notice Requirements for Local Bills

7. What are the notice requirements for local bills?

Before the Legislature may introduce and pass a local bill, the requirements of Article III, section 10, Florida Constitution, as well as relevant provisions of chapter 11, Florida Statutes, must be met.

8. What are the statutory provisions relating to the notice requirement?

Section 11.02, Florida Statutes, implements the constitutional notice requirement found in Article III, section 10 of the Florida Constitution. By law, a notice advertising intent to seek enactment of local legislation and describing the substance of the contemplated law **must be published one time, at least 30 days prior to the bill's introduction** into the Legislature.

Publication can be **either by advertisement** in a newspaper of general circulation in each affected county or, if no such newspaper is published in or circulated throughout an affected county, by **posting** the notice for 30 days in three public places in that county, including the courthouse.

Under sections 50.011 and 50.031, Florida Statutes, to qualify as a newspaper of general circulation, a publication must:

- Be printed and published at least once a week;
- Contain at least 25 percent of its words in the English language;
- Be entered or qualified to be admitted and entered as periodicals matter at a post office in the county where it is published.
- Be for sale and available to the public generally for publication of official or other notices;
- Customarily contain information of a public character, or of interest or value to the residents or owners of property in the county where published, or of interest or of value to the general public; and
- Have been in existence for one year or longer (certain exceptions may apply).

Sections 11.021 and 11.03, Florida Statutes, require submission of evidence that notice has been properly published before a local bill not subject to a referendum can be introduced in the House or Senate. Section 11.03, Florida Statutes, provides a sample affidavit of proof of publication. Also, Appendix C provides a copy of an affidavit of a notice of publication. The sponsor must ensure that the

original proof of publication is attached to the original copy of the bill when it is filed for introduction with the Clerk of the House or the Secretary of the Senate.

9. What does a notice of legislation look like?

An example of a notice of legislation is:

NOTICE OF LEGISLATION [or]

NOTICE OF INTENT TO SEEK LEGISLATION

TO WHOM IT MAY CONCERN: Notice is hereby given of intent to apply to the 2006 Legislature for passage of an act relating to Leon County, amending chapter 2000-000, Laws of Florida, relating to sales at auction by persons and firms who have resided or done business in the county for not less than 12 months; providing an effective date.

A local bill not passed during the Regular Session for which it is advertised, may be heard during a subsequent special or extended session. Therefore, it is recommended the notice include language that broadens the applicability to special or extended sessions, i.e., "intent to seek legislation before the 2006 Legislature, or 2006 Legislative Sessions, or 2006 Legislature and any Special or Extended Sessions."

For more information on the notice provision and drafting local bills see the 1995 Drafting Local Legislation in Florida manual, published by the Florida House of Representatives Bill Drafting Services.

10. What should the advertisement include?

The substance of a proposed local bill must be summarized in the advertised notice. The notice must be broad enough to include all matters contained in the body of the proposed legislation, although the specific contents need not be listed in detail. The function of the notice requirement is to provide reasonable notice to a person whose interests may be directly affected by the proposed legislation so that he or she may inquire further into the details of the local bill and, if he or she so desires, seek to prevent enactment or to persuade the legislature to change the substance of the proposed bill.

11. Who is responsible for arranging or paying for the notice?

Those most interested in the passage of the bill (a member of the legislature, a citizens group, a local official, etc.) generally assume this responsibility. Neither the Florida Constitution nor Florida Statutes impose a duty on any particular person to arrange and pay for the notice.

12. When is a referendum in lieu of notice appropriate?

Under Article III, section 10 of the Florida Constitution, the effectiveness of any local bill not properly advertised in advance must be conditioned upon approval of the affected voters. In such bills, the effective date is replaced with a section that calls for a referendum and bases the effectiveness of the act on the outcome of the election.

While referendum approval is not required for most local bills, in the case of certain bills (such as bills that create municipalities), legislators often let the affected voters decide and place a referendum requirement in a local bill as a matter of policy.

13. When is a referendum necessary even if properly noticed?

A referendum must be held for a local bill, even if the local bill is properly advertised in a newspaper, whenever the local bill does the following:

- Creates or increases certain ad valorem taxing power or provides for issuance of certain bonds (Article VII, sections 9(b) and 12, Florida Constitution);
- Establishes, amends, or repeals a county charter (Article VIII, section 1, Florida Constitution);
- Consolidates municipal and county government (Article VIII, section 3, Florida Constitution). This section also allows local governments to propose consolidation of municipal and county governments by special act, *subject to referendum approval by affected voters*. The referendum may involve the electors of the county in a single vote, or the electors of the county and municipality (or municipalities) voting separately, as provided in the consolidation plan;
- Provides for the manner of choosing or transferring duties of county officers (Article VIII, section 1(d), Florida Constitution). This section allows the selection of county officers in another manner when provided by county charter or by special law *approved by the county electorate*. It also authorizes abolition of a county office when all of the duties of the office prescribed by general law are transferred to another office;
- Combines school districts (Article IX, section 4(a), Florida Constitution). For purposes of the statewide system of public education, Article IX, section 4(a), Florida Constitution, authorizes two or more contiguous counties to combine themselves into one school district. This could be accomplished locally or by introduction of a local bill or general bill of local application. *This action must be approved by the electors of each county*.
- Provides for an appointed (rather than elected) school superintendent (Article IX, section 5, Florida Constitution). This section also provides that

a school district may, through special act or through resolution of the district school board, change the method of selection of the superintendent of schools from elected to employed by the district school board. *This action also must be approved by the voters in the district.*

Forms Required by the House of Representatives

House Policy requires that (1) the Local Bill Certification Form and (2) the Economic Impact Statement Form be filed with each local bill. These forms must be completed and signed. If the original forms are not available to be filed with the bill, the original forms must be submitted to the House Council on Local Government as soon as possible. Local bill policy requires that no local bill be considered by the Local Government Council or any other House council or committee without the completed forms. The Council will serve as the central repository and distribution point for these forms in the event a local bill is referred to other councils or committees. No local bill should be considered by a council or committee until these forms are received.

1. The **Local Bill Certification Form** is used by a local legislative delegation to certify that the purpose of the bill cannot be accomplished at the local level, that a public hearing has been held in the area affected by the bill, that all constitutional, statutory and policy requirements have been satisfied, and that the required number of legislative delegation members have approved the bill.
2. The **Economic Impact Statement** provides a description of any economic impacts that may be created by the bill. House policy requires that this form be prepared at the local level.

House policy requires that amendments to local bills, except technical amendments, must be accompanied by a Local Bill Amendment form. This form explains the intent of and need for the amendment, and ensures that the local legislative delegation has approved the amendment.

Constitutional, Statutory and House Requirements for Local Bills

14. What are the applicable constitutional and statutory provisions regarding notice of local legislation?

- Article III, section 4(e), Florida Constitution
- Article III, section 10, Florida Constitution
- Sections 11.02, 11.021 and 11.03, Florida Statutes
- Sections 50.011 and 50.031, Florida Statutes

15. What are the constitutional requirements relating to the form of local bills?

According to Article III, section 6, Florida Constitution:

- All bills must consist of one subject and matter properly connected therewith.
- All bills must have a title, and the subject of the bill must be properly expressed in its title.
- No existing law can be amended by reference to its title only.
- In order to amend an existing law, that portion of the law that is being amended must be set out in full.
- Every bill must have an enacting clause that reads "Be It Enacted by the Legislature of the State of Florida:"

16. Is an effective date necessary for a local bill?

Article III, section 9, Florida Constitution, provides that a law either takes effect 60 days after final adjournment or as provided in the act. Unlike the enacting clause, an effective date is not an essential ingredient of a bill. However, nearly every bill includes an effective date in its final section.

Constitutionally Prohibited Subjects

17. What subjects are constitutionally prohibited for local bills?

Article III, section 11, Florida Constitution, specifically prohibits enactment of local bills pertaining to the following subjects:

- (1) election, jurisdiction, or duties of officers (except officers of municipalities, chartered counties, special districts, or local governmental agencies);
- (2) assessment or collection of taxes for state or county purposes, including extension of time thereof, relief of tax offenders from due performance of their duties, and relief of their sureties from liability;
- (3) rules of evidence in any court;
- (4) punishment for crime;
- (5) petit juries, including compensation of jurors, except establishment of jury commissions;
- (6) change of civil or criminal venue;
- (7) conditions precedent to bringing any civil or criminal proceeding, or limitations of time thereof;
- (8) refund of money legally paid or remission of fines, penalties, or forfeitures;
- (9) creation, enforcement, extension, or impairment of liens based on private contracts, or fixing of interest rates on private contracts;
- (10) disposal of public property, including any interest therein, for private purposes;
- (11) vacation of roads;
- (12) private incorporation or grant of privilege to a private corporation;
- (13) effectuation of invalid deeds, wills, or other instruments, or change in the law of descent;
- (14) change of name of any person;
- (15) divorce;
- (16) legitimation or adoption of persons;
- (17) relief of minors from legal disabilities;
- (18) transfer of any property interest of persons under legal disabilities or transfer of estates of decedents;
- (19) hunting or fresh water fishing;
- (20) regulation of occupations which are regulated by a state agency; or

- (21) any subject when prohibited by general law passed by three-fifths vote of the membership of each house. Such law may be amended by like vote.³

It is good practice to check this list before initiating a local bill. However, the reader should not automatically assume that a local bill on a particular topic not found on the “prohibited subjects list” is constitutionally acceptable. A local bill cannot be inconsistent with other provisions of the Constitution.

18. What additional constitutional requirements exist for certain subject matter?

Local bills have additional constitutional requirements or prohibitions depending on their subject matter.

Tax and Bond Issues

In accordance with Article VII, sections 9(b) and 12, Florida Constitution, three types of bills must include a referendum provision giving voters the opportunity to accept or reject taxation:

- Bills that create a special district with ad valorem taxing power or change the authorized millage rate for an existing special district;

³ The Legislature has used this authority on numerous occasions to restrict local legislation on various subjects, as follows:

Protection of public employee retirement benefits (section 112.67, Florida Statutes)

State-administered or state-supported retirement systems (section 121.191, Florida Statutes).

Compensation of designated county officials (section 145.16, Florida Statutes)

Independent special districts (section 189.404(2), Florida Statutes)

The creation of a special districts having the power enumerated in two or more paragraphs of section 190.012, Florida Statutes (section 190.049, Florida Statutes).

The maximum rate of interest on bonds (section 215.845, Florida Statutes).

State Building Code for Public Educational Facilities Construction (sections 100.65(34), 1013.37, 1013.371, and 1013.372, Florida Statutes).

Taxation for school purposes and the Florida Education Finance Program (section 1011.77, Florida Statutes).

Grant of authority, power, rights or privileges to a water control district formed pursuant to chapter 298, Florida Statutes (section 298.76(1), Florida Statutes).

Sale or purchase of speckled sea trout or weakfish (section 370.083, Florida Statutes).

Spearfishing in saltwater and saltwater tributaries (section 370.172(4), Florida Statutes).

Allocation of millage for water management purposes (section 373.503(2)(b), Florida Statutes).

- Bills that authorize a temporary tax levy in excess of the constitutional millage cap; and
- Bills that levy taxes for the payment of long-term bonds.

Term of Office

Except as provided by the Florida Constitution, no general law or special law may create an office having a term greater than four years (Article III, section 13, Florida Constitution).

House Rules Regarding Local Bills

19. What are the House rules regarding local bills?

Rule 5.2—Filing Deadlines

(a) No general bill, *local bill* originating in the House, joint resolution, concurrent resolution (except one relating to extension of a session or legislative organization or procedures), substantive House resolution, or memorial originating in the House shall be given first reading unless approved for filing with the Clerk no later than noon of the first day of the regular session.⁴

(b) To be admitted for introduction, bills originating in committees shall be approved for filing with the Clerk no later than noon of the 28th day of the regular session. Committee bills filed after this deadline will be admitted for introduction only if accompanied by a certificate of urgent public need submitted jointly by the committee and council Chairs and approved by the Speaker.

Rule 5.3—Limitation on Member Bills Filed

(a) A member may not file more than six bills for a regular session. Of the six bills, at least two must be approved for filing with the Clerk no later than noon of the 6th Tuesday prior to the first day of the regular session. For the purposes of this rule, the member considered to have filed a bill is the first-named sponsor of the bill. Bills that have been withdrawn from further consideration prior to the filing deadline shall not be counted against this limit.

(b) Bills not counted toward these limits include:

(1) Local bills, including local claim bills.....

⁴ House Bill Drafting Services establishes a “bill drafting” deadline which usually is three weeks before the filing deadline established by rule. In addition, there may be deadlines established by each local legislative delegation. Persons interested in scheduling local bills for a local hearing should check with their legislative delegation for that information.

Rule 5.5—Local Bills

(a) If the substance of a local bill may be enacted into law by ordinance of a local governing body without the legal need for a referendum, the Local Government Council may not report the bill favorably.

(b) A local bill that provides an exemption from general law may not be placed on the Special Order Calendar in any section reserved for the expedited consideration of local bills.

(c) All local bills, including local claim bills, must either, as required by section 10 of Article III of the Florida Constitution, embody provisions for a ratifying referendum (stated in the title as well as in the text of the bill) or be accompanied by an affidavit of proper advertisement, securely attached to the original bill ahead of its first page.

Local Bill Process in the House and Senate

20. Are there House procedural requirements for local bills?

Yes. The requirement is that the House Local Government Council or the first Committee of reference will verify:

- that the required notice has been published; or
- that a referendum, if required, is provided in the bill; and
- that the required House forms have been filed.⁵

21. Are local bills referred to councils or committees other than the Local Government Council?

A local bill may be referred to other House councils or committees for review. The following councils/committees may review local bills for the specified special considerations:

- The **Justice Council/Claims Committee** reviews a local bill to determine if it is a **claim bill** against a municipality, county government, sheriff, school board or local district. If the bill is a **claim bill**, it must meet the same notice requirement (i.e., 30 days prior to introduction unless the bill contains a referendum provision). *It is the claimant's responsibility to comply with this requirement and make available an acceptable proof of publication affidavit to accompany the bill.*

⁵ See page 8 for a discussion of the forms required by House local bill policy.

- The **Fiscal Council** reviews local bills for potential impacts on:
 - The state budget;
 - Regional areas not within the local bill area;
 - Compliance with the taxing provisions of Article VII, Florida Constitution; and
 - General conformity with statewide tax policy.
- The **Justice Council/Judiciary Committee** reviews local bills for:
 - The effective date of the bill (six months after enactment so that law enforcement agencies responsible for administering the law, if applicable, are adequately noticed);
 - Constitutional prohibition of local bills relating to punishment for crime, evidence in any court, or other criminal law matters;
 - Unlawful enactment of a criminal law or penalty in a local bill preempted by state law; and
 - Compliance with the Florida Contraband Forfeiture Act, sections 932.701-932.707, Florida Statutes.
- The **State Administration Council/Ethics and Elections Committee** reviews local bills for voting or election procedures or issues.

Under the federal Voting Rights Act, any local bill affecting voting or elections procedures or otherwise affecting voting rights either statewide or in Hillsborough, Hardee, Collier, Hendry or Monroe counties must be submitted to the U. S. Department of Justice for pre-clearance before enforcement may proceed.
- The **State Administration Council/Governmental Operations Committee** reviews local bills for compliance with the public meetings and public records exemptions provisions of general law.
- The **State Resources Council/Water and Natural Resources Committee** reviews local bills for:
 - The constitutional restrictions placed on acts pertaining to hunting or fresh water fishing;
 - The sale or purchase of speckled sea trout or weakfish;
 - Spearfishing in salt waters and saltwater tributaries;

- The duties of the water management districts and drainage districts; and
 - The allocation of millage for water management purposes.
- The **State Infrastructure Council/Transportation Committee** reviews local bills for impacts on statewide transportation and highway safety policy.

22. What happens once a local bill is filed?

A local bill follows the same process as a general bill. The bill is introduced and referred to council/committees. After it is voted out of or withdrawn from the council or committees to which it has been referred, a local bill proceeds to the House calendar.

23. Can a local bill be amended?

Yes. All substantive amendments to local bills must be accompanied by a completed Local Bill Amendment Form, signed by the chair of the legislative delegation. The form explains the intent of and need for the amendment, and ensures that the local legislative delegation has approved the amendment. This form is needed for all local bill amendments including floor amendments except technical, clarifying or conforming amendments.

All amendments to local bills should be reviewed by appropriate House staff before consideration by councils, committees or House Members on the floor of the House.

24. Must substantive amendments conform to constitutional and statutory notice requirements?

Yes. Any substantive amendments to a local bill must conform to the notice requirements set out in Article III, section 10, Florida Constitution, and section 11.02, Florida Statutes. If the amendment substantially changes the bill as it was noticed, a constitutional problem may be created.

To avoid a potential constitutional challenge, it is recommended that a bill be advertised in a broad manner. If an advertisement for a bill is in narrow, specific terms, it may limit the scope of substantive amendments for consideration. For example, if a local bill is excluding a specific tract of property from the district, rather than advertising “excluding one tract of property from the district,” the advertisement might state “excluding property from the district.” An advertisement such as this allows for unforeseen controversies to be resolved by amending the bill without affecting its notice.

There are times when a local bill passes the House with provisions that may create a defective notice. Once the bill is received by the Senate, the engrossed bill is reviewed by Senate staff. Constitutional concerns may be brought to the attention

of the Senate, and the Senate may remove those provisions by amendment, thus correcting a potentially defective notice.

25. What is an “expedited local bill calendar”?

The expedited local bill calendar is a calendar made up of those local bills which do not contain exemptions from general law (House Rule 5.5) or floor amendments. This calendar provides a means for House members to move large numbers of non-contentious local bills along to the Senate in an expeditious manner. When a sufficient number of these bills are either voted out of or withdrawn from councils/committees, the Special Order Calendar may designate an expedited “local bill calendar.”

Voting on the expedited local bill calendar is achieved by a single roll call vote rather than individual votes on each bill. The single roll call vote is taken at the conclusion of the reading of the bills on the expedited local bill calendar.

Any member wishing to cast a “no” vote on a local bill that is on the expedited calendar must file the appropriate form with the Clerk. The House Clerk adjusts the expedited local bill calendar vote count accordingly to reflect all registered “no” votes.

Senate Local Bills

26. Are local bills introduced in the Senate?

Yes, but usually not as many as are introduced in the House. The majority of Senate-sponsored local bills are received by the Local Government Council during the last weeks of the legislative session. Some have House companions, others do not. Senate bills with House companions enable the analysis of the Senate bill to be accomplished more quickly. However, Senate-sponsored local bills with no House companion receive the same scrutiny and go through the same process as every other local bill.

The Senate does not have a local bill process similar to the House process. Senate local bills generally are referred to the Senate Rules and Calendar Committee where they are analyzed only for compliance with the notice provisions. However, local bills that create an exemption from general law or deal with more than one county may be required to have a substantive Senate committee reference. Thus, it is recommended that local bills that fall into one of these categories also be filed in the Senate. If not, there is risk that by the time the bill is passed by the House, Senate substantive committees will no longer be meeting.

27. Can the Legislature enact local bills relating to Miami-Dade County?

The Legislature may enact general acts applicable to all counties and municipalities within the state. Pursuant to Article VIII, section 11, Florida

Constitution of 1885, as amended, which was carried forward in the 1968 revision by Article VIII, section 6(e), Florida Constitution, *the Legislature is limited in its power to enact a local bill that relates only to Miami-Dade County*.

Conversely, Miami-Dade County Commissioners may abolish boards or governmental units created by legislative special act applicable only to Miami-Dade County. They also may change any duties, functions, benefits, or regulatory or restrictive effect of such an act. See, Chase v. Cowart, 102 So. 2d 147 (Fla. 1958).

1. What is a special district?

Special districts are units of local special-purpose government. Special districts have the following characteristics:

- they are created by general law, special act, local ordinance or by rule of the Governor and Cabinet;
- they operate within limited boundaries; and
- they have a governing board.

The following are not special districts:

- units of local general-purpose government (municipalities and counties);
- school districts;
- community colleges;
- municipal service taxing or benefit units;
- Seminole and Miccosukee tribe special improvement districts; and
- boards providing electrical services that are political subdivisions of a municipality or part of a municipality.

2. What is the difference between a dependent special district and an independent special district?

A dependent special district has at least one of the following characteristics:

- Its governing body members are identical to the governing body of a single county or a single municipality.
- Its governing body members are appointed by the governing body of a single county or a single municipality.

- During unexpired terms, its governing body members are subject to removal by the governing body of a single county or a single municipality.
- Its budget requires approval through an affirmative vote by the governing body of a single county or a single municipality.
- Its budget can be vetoed by the governing body of a single county or a single municipality.

An independent special district does not have any characteristics of a dependent special district. Sometimes, the following characteristics are evident:

- Its boundaries may cover more than one county.
- Its boundaries may exceed that of a single municipality.
- It operates as an independent political subdivision within defined district boundaries.
- It may have revenue raising authority such as ad valorem taxation or non ad valorem assessments, fees or charges on benefited property.

3. Who creates independent special districts?

Independent special districts are created by the Legislature, unless general law provides otherwise. Dependent special districts may be created by an ordinance of a county or municipality having jurisdiction over the affected area.

4. Are there requirements for legislatively-created districts?

Special requirements exist for legislatively-created special districts. Statutory requirements relating to the creation of independent special districts by special act are contained in chapter 189, Florida Statutes. The law prohibits the creation of independent special districts that do not conform to the minimum statutory requirements. There are three major categories of requirements: a statement regarding the creation of the district, minimum charter requirements and prohibited exemptions.

5. What must the statement regarding the creation of the district include?

The proposed creation of the independent special district must include a statement to the Legislature documenting:

- The purpose of the proposed district.
- The authority of the proposed district.
- An explanation of why the district is the best alternative.

- A resolution or official statement of the appropriate local governing body in which the proposed district is located stating that:
 - the creation of the proposed district is consistent with approved local government plans of the local governing body; and
 - the local government has no objection to the creation of the proposed district.

After October 1, 1997, all charters must contain a status statement indicating whether the district is dependent or independent.

6. What are the minimum charter requirements?

Local bills creating independent special districts must address the following minimum charter elements:

- The district's purposes.
- The district's powers, duties and functions regarding:
 - ad valorem taxation;
 - bond issuance;
 - revenue raising capabilities;
 - budget preparation and approval;
 - liens and foreclosure of liens;
 - use of tax deeds and tax certificates for non-ad valorem assessments; and
 - contractual agreements.
- The methods for establishing the district.
- The methods for amending the district's charter.
- The membership and organization of the district's governing board.
- The maximum compensation of the district's governing board members.
- The administrative duties of the district's governing board.
- The financial disclosure, noticing and reporting requirements for the district.

- The procedures and requirements for issuing bonds, if the district has such authority.
- The district's election and referendum procedures and the qualifications to be a district elector.
- The district's financing methods.
- The authorized millage rate for a district which can levy ad valorem taxes, except for taxes levied for the payment of bonds and taxes levied for periods not longer than two years, when authorized by vote of the electors of the district.
- The methods for collecting non-ad valorem assessments, fees or service charges.
- Planning requirements.
- Geographic boundary limitations.

7. Are there exceptions to the required minimum charter requirements?

A district formed pursuant to general law, such as a fire control district (chapter 191, Florida Statutes) or water control district (chapter 298, Florida Statutes), need not include in its individual charter matters authorized by general laws.

8. What general law requirements may not be exempted by a local bill creating an independent special district?

Local bills creating independent special districts cannot exempt the district from the following general law requirements:

- General requirements and procedures for elections (section 189.405, Florida Statutes).
- Special district bond referenda (section 189.408, Florida Statutes).
- Bond issuance reporting requirements (section 189.4085, Florida Statutes).
- Special district public facilities reports (section 189.415, Florida Statutes).
- Special district meetings, notice, and required reports (section 189.417, Florida Statutes).
- Special district reports and audits (section 189.418, Florida Statutes).

9. When is a referendum required to create an independent special district?

If properly noticed, a bill creating a new independent special district is not required to be approved by referendum unless the district wants to levy ad valorem taxes.

10. What are the statutes and rules applicable to special districts?

Chapter 189, Florida Statutes, Special Districts: General Provisions

Chapter 190, Florida Statutes, Community Development Districts

Chapter 191, Florida Statutes, Independent Special Fire Control Districts

Chapter 298, Florida Statutes, Drainage and Water Control

Codification of Special Districts Charters

1. What is codification?

Codification is the process of collecting and systematically arranging the various special acts that comprise a special district's charter. The body of law known as the Florida Statutes is codified and compiled into several volumes of law. The Florida Statutes are published on a yearly basis and provide a complete, up-to-date presentation of the current state of the laws that are of a general and permanent nature. This process does not include special acts.

Special acts are not codified. After the Legislature passes the initial enabling act, special acts may continuously amend or alter previously enacted special acts. To ascertain the current status of any special act, it is necessary to research all amendments or changes made to the act since its inception or original passage by the Legislature.

2. Why is codification important?

Codification of a district's charter is important because it allows readers to refer to one special act to determine the current charter of a district. The purpose of the special districts codification effort is to produce an up-to-date and reader-friendly document.

3. What are the requirements for codifying special district charters?

Codification of special district charters was authorized by the 1997 Legislature when it amended chapter 189, Florida Statutes, and created section 191.015, Florida Statutes. The 1998 Legislature amended section 189.429, Florida Statutes, by (a) extending the deadline to codify to December 1, 2004, (b) allowing for the adoption of the codification schedule, (c) removing the prohibition of substantive amendments in a district's codification bill, and (d) removing the requirement that a codified charter must be submitted prior to the introduction of any act relating to the charter or prior to the schedule deadline.

The amended law provides that by December 1, 2004, each district must submit to the Legislature, at its expense, a draft codified charter for reenactment. The law further allows for the adoption of the codifications pursuant to a legislatively-

provided schedule. The law no longer prohibits substantive amendments in a district's codification bill. The codified act is filed with the Department of Community Affairs within 30 days after adoption pursuant to section 189.418(2), Florida Statutes.

4. May codified charters be submitted after the December 1, 2004, statutory deadline?

Yes. A special district may still submit a draft codified charter to the Legislature for consideration. Submission of a draft codified charter is recommended for all special districts required to submit a draft codified charter by December 1, 2004, and for which no codified charter has been enacted into law.

5. What is a status statement?

The law provides that after October 1, 1997, the charter of any newly created special district shall contain and, as practical, the charter of a preexisting special district must be amended to contain, a reference to the status of the special district as dependent or independent. When necessary, the status statement must be amended to conform with the Department of Community Affairs' determination or declaratory statement regarding the status of the district. If the district fails to have a status statement within the district's codification bill, the statement may be amended into the bill after consulting with the district and the sponsor of the measure.

6. How many districts have codified their charters thus far?

Since the enactment of sections 189.429 and 191.015, Florida Statutes, 198 special districts have codified their charters. The House Local Government Council maintains a list of those codified charters.

Preparation of a Codification Bill

7. What are some of the requirements of a codification bill?

It is the district's responsibility to prepare the initial draft for submittal to the local legislative delegation for approval. Some important points to keep in mind in the preparation of the codification bill are:

- A codification bill is a local bill and must meet the notice requirements of Article III, section 10, Florida Constitution and chapter 11, Florida Statutes.
- All local bills must be accompanied by:
 - a proof of publication;
 - a completed and signed Local Bill Certification Form; and

- a completed and signed Economic Impact Statement.
- Because it is a local bill, a codification bill must have the approval of the local legislative delegation.
- All the required special act provisions relating to the district must be accounted for in the codified bill.
- The bill must include a repeal of all existing special acts as one of its last sections.
- When repealing existing special acts, there may be certain provisions that should be left intact. If so, the desired language should be included in the bill.
- Include the status statement.
- Check the provisions of the codification bill to determine if general law is being preempted or exempted.

Codification Bill Coding

8. What is bill coding?

Coding is a process where all new language is underlined and all unwanted language is stricken. This technique allows an analyst to see new language and unwanted language. Although it is easier to draft a codification bill with all provisions underlined, this method greatly increases the amount of time it takes to prepare an analysis. The initial coding of the bill is preferable for research purposes.

When a codification bill is received by the House Local Government Council, all prior special acts are compiled and merged into one document. Prior acts are also “shepardized” in order to determine which acts may have been repealed. A line-by-line analysis is then performed between the bill and current charter in order to determine if the bill makes changes the current charter.

Drafting a Codification Bill

9. How is a codification bill drafted?

Codification bills should be drafted by placing all of the charter’s provisions in one of the bill’s sections. This method is preferred by House Bill Drafting Service because it keeps the charter’s provisions and the bill’s provisions separate.

The following is an example of special district codification bill format:

- Section 1: Intent Language. For example, “Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to”
- Section 2: Codifying, reenacting, amending, and repealing the specific special acts of the district's charter.
- Section 3: Codification language. For example, “The (name of district) District is reenacted, and the charter for the district is recreated and reenacted to read:”
 - Section 1: District's Charter Section. The various sections of the district's charter are numbered independently from the rest of the bill (i.e., the first provision is section 1, the second provision is section 2, etc.) These sections should contain the entirety of the district's charter.
- Section 4: Repealing of prior Special Acts.
- Section 5: Effective Date

There are additional provisions that may be included as sections of the bill depending on an individual district's circumstances or needs. Examples include a section providing for the liberal construction of the bill's language. (This example does not contain such bill requirements as the title and the enacting clause.)

District Boundary Changes

10. How do district boundary changes affect the codification process?

Sometimes a district has charter authority to change its original boundaries without coming to the Legislature. These boundary changes may result in the codification bill containing a different district boundary description than that of the original charter. Therefore, the House Local Government Council requires a written notice from the district attorney or district staff if a codification bill changes a districts' boundaries.

Repealing Existing Chapter Laws

11. Should a district's existing chapter laws be repealed?

The answer depends on each individual district's circumstances. Generally, all existing special acts should be repealed. However, special care must be taken when repealing the district's existing special acts which relate to or amend the district's charter provisions relating to bonds or tax authority.

The repealer language, if used, should be clear and expressly repeal and cite all special acts (e.g., chapters 2001-001, 2001-002, and 2001-003, Laws of Florida, are hereby repealed). Language such as “unless reenacted herein” should not be used.

Referenda

12. What is the significance of referendum provisions in prior special acts?

A special act may require a referendum before it becomes effective. This requirement can be problematic when codifying the district’s charter if it is unclear whether the referendum provisions of previous special acts were approved. Therefore, it is necessary to determine the current status of any bill provisions effectuated by referendum. This is often done by contacting the Supervisor of Elections in each affected county. It is recommended that this research be completed by the bill drafter and the results forwarded to the Council.

Additional Documentation for Fire Control Districts

13. Are additional documents useful for fire control districts?

When submitting a local bill relating to a fire control district, it is useful to provide information to the council and members regarding how many fires and accidents the district experiences, how many fire fighters are employed, and how many residents are in the district’s jurisdiction. Attached in the Appendix section is a Fire District information sheet.

Codification Bill Checklist

1. Has the district’s codification bill been correctly drafted to include all valid provisions from prior special acts, and have all prior special acts been shepardized?
2. Does the bill contain correct coding (underlines and strike-throughs)?
3. Is the bill drafted so that the charter provisions are numbered as part of the charter rather than numbered as a bill section?
4. Has a letter been submitted regarding boundaries that have been changed or modified since the district’s creation?
5. Does the bill’s repealer provisions expressly repeal all prior special acts regarding the district’s charter?
6. Is information regarding the outcome of all prior required referenda made available to the Council?

7. Is the bill's "notice of legislation" broad enough to allow subsequent amendments?
8. Has the Economic Impact Statement and Local Bill Certification Form either been completed and filed with the bill or sent to the House Local Government Council?

More Information on Local Bills

1. Where do I go to get more information on local bills?

Staff of the House Local Government Council are available to answer questions about local bill policies and procedures. Staff of House Bill Drafting Services are also available to answer technical questions about drafting of local bills.

2. Where can I get additional information?

Local Government Council
Florida House of Representatives
405 House Office Building
402 South Monroe Street
Tallahassee, FL 32399-1300

Phone: (850) 488-1791

Website: <http://www.myfloridahouse.gov>

House Bill Drafting Services
Florida House of Representatives
1501 The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300

Phone: (850) 488-5644

APPENDIX A: THE ROLE OF LEGISLATIVE DELEGATIONS

THE ROLE OF LEGISLATIVE DELEGATIONS

Black's Law Dictionary, Sixth Edition, defines "delegation" as:

The body of delegates from a State to a national nominating convention or from a county to a State or other party convention. The whole body of delegates or representatives sent to a convention or assembly from one district, place, or political unit are collectively spoken of as a 'delegation'.

Black's Law Dictionary, Sixth Edition, defines "legislative" as:

Making or giving laws; pertaining to the function of law-making or to the process of enactment of laws.

Florida's local legislative delegations serve important functions such as providing a public forum to identify local bills. Although legislative delegations are not statutorily defined, various Florida Statutes assign duties to legislative delegations including sitting on a board or commission as a non-voting member. In addition:

- The legislative delegations are comprised of both House and Senate members from the county (or counties) they represent.
- Many of the legislative delegations are well organized, having an organizational structure that includes a chair, vice-chair and a legislative liaison. Other legislative delegations operate on a more informal basis.
- Ordinarily, the organizational structure of each legislative delegation changes each election year.

The House Local Government Council updates the list of Florida's legislative delegations frequently. A list of local legislative delegation members is available on Online Sunshine at <http://www.myfloridahouse.gov>.

It is suggested that only a member of the local legislative delegation introduce a bill relating to a geographical area within the delegation's jurisdiction. Once an issue has been discussed and the intent of the bill is clear, the legislative delegation votes on whether or not to file (introduce) the bill. Sometimes local government or citizens disagree with what the legislative delegation agrees to support, which results in the filing of a "controversial" local bill.

Most legislative delegations meet several times prior to an upcoming legislative session to discuss local issues that may become local bill proposals. These meetings often produce meaningful dialogue between representatives of local government, citizens and legislative delegation members regarding the language and intent of a local bill.

Once the decision is made to introduce an idea in the form of a local bill, to be filed in the House, a House Member must request the bill be prepared by House Bill Drafting Services. ***The legislative delegation liaison often serves as a coordinator between the local person requesting the bill and House Bill Drafting Services during the bill drafting process.***

The legislative delegation plays an important role when an amendment to a local bill is being entertained. **Any substantive amendments to local bills must be approved by the legislative delegation.** A form, attesting to that approval, must be signed by the legislative delegation chair. This policy applies to council/committee and floor amendments to local bills. Technical, conforming or clarifying amendments recommended or suggested by councils or committees do not require this form.

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APPENDIX B: REQUIRED HOUSE FORMS

- ❖ **LOCAL BILL CERTIFICATON FORM**
- ❖ **ECONOMIC IMPACT STATEMENT**
- ❖ **LOCAL BILL AMENDMENT POLICY**

**HOUSE OF REPRESENTATIVES
2006 LOCAL BILL CERTIFICATION**

BILL #: _____
SPONSOR(S): _____
RELATING TO: _____
[Indicate Area Affected (City, County, Special District) and Subject]
NAME OF DELEGATION: _____
CONTACT PERSON: _____
PHONE # and E-Mail: _____

- I. *House policy requires that three things occur before a council or a committee of the House considers a local bill: (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level; (2) a local public hearing by the legislative delegation must be held in the area affected; and (3) at or after any local public hearing, held for the purpose of hearing the local bill issue(s), the bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the legislative delegation. Local bills will not be considered by a council or a committee without a completed, original Local Bill Certification Form.*

(1) Does the delegation certify that the purpose of the bill cannot be accomplished locally? YES [] NO []

(2) Has a public hearing been held? YES [] NO []

Date hearing held: _____

Location: _____

(3) Was this bill formally approved by a majority of the delegation members?
YES [] NO [] UNIT RULE [] UNANIMOUS []

- II. *Article III, Section 10, of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.*

Has this constitutional notice requirement been met?

Notice published: YES [] NO [] DATE [_____]

Where? _____ County _____

Referendum in lieu of publication: YES [] NO []

- III. *Article VII, Section 9(b), of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.*

Has this constitutional taxation requirement been met?
YES [] NO [] NOT APPLICABLE []

House policy requires that an Economic Impact Statement for local bills be prepared at the local level.

Delegation Chair (Original Signature) Date

HOUSE OF REPRESENTATIVES
2006 ECONOMIC IMPACT STATEMENT

House policy requires that economic impact statements for local bills be prepared at the LOCAL LEVEL. This form should be used for such purposes. It is the policy of the House of Representatives that no bill will be considered by a council or a committee without an original Economic Impact Statement. This form must be completed whether or not there is an economic impact. If possible, this form must accompany the bill when filed with the Clerk for introduction. In the alternative, please submit it to the Local Government Council as soon as possible after the bill is filed.

BILL #: _____

SPONSOR(S): _____

RELATING TO: _____

[Indicate Area Affected (City, County, Special District) and Subject]

I. ESTIMATED COST OF ADMINISTRATION, IMPLEMENTATION, AND ENFORCEMENT:

	<u>FY 06-07</u>	<u>FY 07-08</u>
Expenditures:		

II. ANTICIPATED SOURCE(S) OF FUNDING:

	<u>FY 06-07</u>	<u>FY 07-08</u>
Federal:		
State:		
Local:		

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

	<u>FY 06-07</u>	<u>FY 07-08</u>
Revenues:		

IV. ESTIMATED ECONOMIC IMPACT ON INDIVIDUALS, BUSINESS, OR GOVERNMENTS:

Advantages:

Disadvantages:

V. ESTIMATED IMPACT UPON COMPETITION AND THE OPEN MARKET FOR
EMPLOYMENT:

VI. DATA AND METHOD USED IN MAKING ESTIMATES [INCLUDE SOURCE(S) OF
DATA]:

PREPARED BY: _____
[Must be signed by Preparer] _____ Date

TITLE: _____

REPRESENTING: _____

PHONE: (_____)

E-Mail Address: _____

**HOUSE OF REPRESENTATIVES
2006 LOCAL BILL AMENDMENT POLICY**

All substantive amendments to local bills must be approved by the legislative delegation. This form must accompany all substantive amendment(s) (committee, council or floor). All substantive amendments must be reviewed by appropriate House staff. This form is not needed for technical, clarifying or conforming amendments.

BILL #: _____

SPONSOR(S): _____

RELATING TO: _____
[Indicate Area Affected (City, County, Special District) and Subject]

SPONSOR OF AMENDMENT: _____

CONTACT PERSON: _____

PHONE # and E-mail: _____

REVIEWED BY HOUSE STAFF ☐ (must be checked)

I. BRIEF DESCRIPTION OF AMENDMENT DESIRED:

II. REASON/NEED FOR AMENDMENT:

III. THE AMENDMENT DESCRIBED ABOVE HAS BEEN APPROVED BY A MAJORITY OF THE DELEGATION:

YES ☐ NO ☐ UNIT RULE ☐ UNANIMOUS ☐

Delegation Chair (Original Signature) Date

APPENDIX C: AFFIDAVIT OF NOTICE OF PUBLICATION

**APPENDIX D: SPECIAL ACT VS. GENERAL LAW -
WHICH CONTROLS?**



CHAPTER 7 IS A SPECIAL ACT SUPERIOR OR CONTROLLING OVER A GENERAL LAW?

SUMMARY

This chapter will explain why legislative intent, as determined by the courts, is the key to whether a special act will prevail over general law. Although the applicable special act, rather than general law, will frequently be the controlling law on a given subject, this is not always the case.

Special acts are often enacted that grant limited exemptions or exceptions to otherwise applicable general law. These acts of the Legislature are generally unchallenged and are presumed to be valid. There are circumstances when special acts enacted by the Legislature are superior, controlling, or have the effect of superseding other general laws or special acts. There are, however, other circumstances when the general law is superior to a special act.

STATUTORY CONSTRUCTION

Over the years, the courts have devised rules of statutory construction. These rules are designed to assist the courts in determining whether a special act or a general law relating to the same subject is to be construed as valid and controlling in any given instance. In an early case, the Supreme Court of Florida held that an act of 1832, a general act relating to crimes and misdemeanors, did not operate as a repeal of the Act of November 21, 1828. In this case, Luke v. State, 5 Fla. 185, 192 (Fla. 1853), the court differentiates between acts that are "special and particular" and general acts. The court also reviews some of the basic rules of statutory construction that are still current and applicable today.

The first general rule of statutory construction in Luke at 194 is that **later laws abrogate prior contrary laws.** (*leges posteriores priores contrarias abrogant*). The court stressed that "to apply this maxim of the law," the two acts had to "be in conflict with each other." Accord Hadley v. State, 546 So. 2d 769, 771 (Fla. 3d DCA 1989). (stating that it is "axiomatic that where statutory provisions cannot be reconciled that the latest expression of the legislature will be held to prevail"); McCelland v. Cool, 547 So. 2d 975, 976 (Fla. 2d DCA 1989). (stating that "where it is not possible to give effect to two statutes without materially altering their intent, the last expression of legislative will prevails"); cf. Albury v. City of Jacksonville Beach, 295 So. 2d 297, 300 (Fla. 1974).

The Luke court went on to apply a second rule that "**the later general Act does not work any repeal of a former particular Act.**" (emphasis added). The court, however, added that in this instance, "the application of this [second] rule of interpretation does no violence to the intention of the Legislature."

Subsequent to Luke, the courts have expanded on these rules. The courts have also enunciated other rules or doctrines that modify or create further exceptions to the rules as stated in that case. One of these is the oft-repeated "cardinal principle" of statutory construction that **repeals by implication are not favored.** See Radzanower v. Touche Ross & Co., 96 S.Ct 1989, 1993 (1976); State v. Dunmann, 427 So. 2d 166, 168 (Fla. 1983).

Another important maxim or rule provides that **the general does not derogate from the special.** (*generalia specialibus non derogant*). "A general later affirmative law does not abrogate an earlier special one by mere implication." State v. Southern Land & Timber Co., 33 So. 999 (Fla. 1903). See Sheils v. Jack Eckerd Corp., 560 So. 2d 361, 363 (Fla. 2d DCA 1990). (stating that "where a general law that applies to numerous classes of cases conflicts with the law that applies only to a particular class, the latter, or more specific law, generally controls . . ."); Moore International Trucks v. Foothill Capital, 560 So. 2d 1301, 1303 (Fla. 2d DCA 1990); Dept. of Health & Rehab. v. American Healthcorp., 471 So. 2d 1312 (Fla. 1st DCA 1985); Caloosa Property Owners v. Palm Beach County Board, 429 So. 2d 1260 (Fla. 1st DCA 1983); Simpson v. United States, 98 S.Ct 909, 914 (1978), wherein the Supreme Court of the United States explained that their result "is supported by the principle that gives precedence to the terms of the more specific statute where a general statute and a specific statute speak to the same concern, even if the general provision was enacted later;" In Re Sealed Motion, 880 F.2d 1367, 1374 (D.C. Cir. 1989); Frazier v. Pingree, 612 F.Supp. 345, 348 (D.C. Fla. 1985). (stating that "a specific statute is not subject to repeal by implication by a later generalized statute absent a clear intention to do so"); cf. Sanders v. Howell, 74 South 802, 804 (Fla. 1917); Steward v. De Land-Lake Helen Special Road & Bridge District, 71 South 42 (Fla. 1916).

Cases providing that general law can be superseded or effectively repealed by subsequently enacted special or local law are consistent with this rule as are the cases that favor the special law regardless of the order of enactment. See Rowe v.

Pinellas Sports Authority, 461 So. 2d 72 (Fla. 1984). (stating that "When a special act (such as the PSA charter) and a general law conflict, the special act will prevail"); State ex rel. Johnson v. Vizzini, 227 So. 2d 205 (Fla. 1969). Similarly, when there is a conflict between the general law and special charter provisions contained within a legislative act, the charter provisions will prevail. Bauer v. City of Gulfport, 195 So. 2d 571, 573 (Fla. 2d DCA 1967); State v. Carbonelli, 80 So. 2d 913, 914 (Fla. 1955); City of Orlando v. Evans, 182 So. 2d 264, 267 (Fla. 1938).

Other cases have stressed the principle, enunciated in Luke, that **before it will be determined that one law repeals or has an adverse impact on another law, there must be conflict or an inability to harmonize.** See Southern Bell Telephone & T. Co. v. Town of Surfside, 186 So. 2d 777, 779 (Fla. 1966). Whenever possible, the court would prefer to find that the special law (or charter act) and the general law "may co-exist and harmonize." City of Pompano Beach v. Zoning Board of Appeals, 206 So. 2d 52 (Fla. 4th DCA 1968); City of St. Petersburg v. Pinellas County Power Co., 100 So. 2d 509, 510 (Fla. 1924).

In Banana River Properties v. City of Cocoa Beach, 287 So. 2d 377, 379 (Fla. 4th DCA 1973), the court held "the provisions of an earlier general law . . . and the provisions of a later special act . . . must be read together, each complementing or supplementing the other and each must be given effect unless there is a **positive repugnancy between the two.**" Cf. Parker v. Baker, 499 So. 2d 843, 845 (Fla. 2d DCA 1986). (stating that while a more specific statute will take precedence over a general one "regardless of their temporal sequence," the latest expression of legislative will prevails "[o]nly if the two statutory provisions present such an inconsistency as cannot be harmonized or reconciled . . ."); Morton v. Mancari, 94 S.Ct. 2474, 2483 (1974) in which the United States Supreme Court stated that "when two statutes are capable of co-existence, it is the duty of the courts, absent a clearly expressed . . . intention to the contrary, to regard each as effective;" Sweet v. Josephson, 173 So. 2d 444, 446 (Fla. 1965). (stating that there was no reason for the court to rule on the effect on one statute upon the other. "There is a field of operation for each").

In Laborers' International Local 478 v. Burroughs, 541 So. 2d 1160, 1161 (Fla. 1989), the Supreme Court of Florida discussed the differences between general law and an earlier Dade County ordinance. Subsection 760.02(6), Florida

Statutes, limited the Human Rights Act to employers with **15 or more** employees. The ordinance, enacted pursuant to Dade County's home rule charter, barred discriminatory employment practices and applied to employers with **five or more** employees.

Despite the numerical discrepancy, the court rejected the argument that the ordinance conflicted with the statute. In reaching its conclusion, the court pointed out that "**a conflict exists when two legislative enactments cannot co-exist.**" (emphasis added). The court also stated that "the test of conflict is whether one must violate one provision in order to comply with the other." See Jordan Chapel Freewill Baptist Church v. Dade County, 334 So. 2d 661, 665 (Fla. 3d DCA 1976); Capella v. City of Gainesville, 377 So. 2d 658, 659 (Fla. 1979). (stating that "section 171.0413(2)(e) has not been superseded by chapter 77-557 since a reading of the special act in conjunction with the general act reveals no inconsistency . . .").

In addition to the co-existence and attempt to harmonize requirement, another rule constitutes a frequently applicable and widespread exception to the rule that a general law will not derogate a special act. If a court decides that two acts are "so repugnant and irreconcilable as to **indicate a legislative intent that the one should repeal or modify the other**" or that "**the general act is a general revision of the whole subject,**" (emphasis added), the court will conclude that the general law has implicitly and effectively repealed an earlier special act. Sanders v. Howell at 804; Sparkman v. State, 71 South 34, 39 (Fla. 1916); See also Town of Indian River Shores v. Richey, 348 So. 2d 1, 2 (Fla. 1977). (stating, "The Legislature intended for the general law to repeal the Charter provision"); Town of Palm Beach v. Palm Beach Local 1866, I.A.F.F., 275 So. 2d 247, 249 (Fla. 1973). (referring to "a general act that is such an overall revision and re-enactment that the legislature must have intended for the later general act to govern").

"The courts have recognized the implied repeal of legislation when either: (1) there is evidence that the legislature intended to repeal the earlier statute, or (2) the old statute cannot be reconciled with the new one." Home Guar. Insurance v. Numerica Financial Services, 835 F.2d 1354, 1357 (11 Cir. 1988); Estate of Flanagan v. Com'r Internal Revenue, 743 F.2d 1526, 1532 (11th Cir. 1984).

LEGISLATIVE INTENT

The principle that a complete revision of a subject by general law eliminates the special act's separate field of operation and repeals a prior special act was restated in Oldham v. Rooks, 361 So. 2d 140, 143 (Fla. 1978). The court commented in Oldham that, when the Legislature completely revises a subject, "it serves as an implied repeal of earlier acts dealing with the same subject unless an intent to the contrary is shown." See Berkley v. State, Dept. of Environmental Regulation, 358 So. 2d 552, 554 (Fla. 1st DCA 1977); Zedalis v. Foster, 343 So. 2d 849 (Fla. 2d DCA 1976); Jackson v. Consolidated Gov. of City of Jacksonville, 225 So. 2d 497, 501 (Fla. 1969).

All the rules of statutory construction are formulated to advance the fundamental purpose of the legislation or to assist the courts with their determination of the legislative intent. The courts generally acknowledge that their function is to determine **what the legislature intended** by enacting separate provisions that relate to the same subject matter. "Legislative intent is the pole star by which we must be guided." DeBolt v. Dept. of Health & Rehab. Services, 427 So. 2d 221, 224 (Fla. 1st DCA 1983); Englewood Water District v. Tate, 334 So. 2d 626, 628 (Fla. 4th DCA 1976).

When the legislative intent is expressly revealed by newly enacted legislation, there is no doubt as to whether the Legislature intended to affect or repeal any pre-existing legislation. See Orange City Water Company v. Town of Orange City, 255 So. 2d 257, 259 (Fla. 1971). (stating that since the new chapter particularly provided that it "shall supersede **all other laws** on the same subject," chapter 67-1815, "along with all other laws on the subject, were **expressly** superseded by a new, complete rewrite of the Water and Sewer System Regulatory Law in 1971").

Another significant rule or presumption is that **the Legislature knows what it is doing**. See Floyd v. Bentley, 496 So. 2d 862, 863 (Fla. 2d DCA 1986); rev. denied 504 So. 2d 767 (Fla. 1987). ("There exists a presumption that laws are passed with knowledge of all prior laws already on the books, as well as a presumption that the legislature neither intended to keep contradictory enactments in force nor to repeal a prior law without express intention to do so"); Palm Harbor Special Fire Control District v. Kelly, 516 So. 2d 249, 250 (Fla. 1987). (stating that "the legislature is presumed to pass subsequent enactments with full awareness of all prior enactments...").

RECENT COURT CASES

For the sake of a perceived legislative intent, there are occasions when a court will admittedly ignore common sense and logic or "a sensible and rational result." Pfeiffer v. City of Tampa, 470 So. 2d 10, 17, (Fla. 2d DCA 1985). (stating that "[a] court's construction of statutes need not produce what the court might perceive to be a wise result in order to constitute a rational interpretation of legislative intent"). But see Englewood, 334 So. 2d at 628. (stating that "no literal interpretation should be given that lends to an unreasonable or ridiculous conclusion or a purpose not designed by the lawmakers").

Alvarez v. Board of Trustees of the City Pension Fund, 580 So. 2d 151 (Fla. 1991), is a Supreme Court of Florida case that delves into pertinent rules of statutory construction. This case concerns the effect of a subsequent general law on a prior general law and, more importantly, on a special act.

In Alvarez, a city pension contract, ratified by special act, chapter 74-613, Laws of Florida, prohibited the garnishment of the municipal firefighters' pension benefits for debt or other legal process. When subsection 61.046(4) Florida Statutes, a general law, was subsequently enacted, it provided for deductions from pension and retirement benefits for the payment of child support deduction orders. The issue was **whether the special act and an earlier general law or the subsequently enacted general statute should be controlling.**

The trial court reasoned that the firefighters' pension benefits were subject to child support deduction orders because the latest expression of legislative intent should control. The district court of appeal reversed, 563 So. 2d 1110, 1112 (Fla. 2d DCA 1990). The appellate court reasoned that the special act must prevail over a conflicting subsequent general act because the general law, section 61.1301 Florida Statutes, did not address "a firemen's and policemen's funds" exemption from garnishment "or otherwise demonstrate legislative intent to repeal the special act."

The Supreme Court of Florida subsequently quashed the decision of the district court. The Supreme Court found "**an irreconcilable conflict**" between the income deduction provisions of chapter 61 and the special act, chapter 74-613, Laws of Florida.

In reaching its conclusion that **the general law prevailed over the special act**, the Florida Supreme Court found it significant that the most recently enacted general law expressly excluded two forms of payment (but not firefighters' pensions) from the definition of reachable income for child support income deduction orders. The Florida Supreme Court applied another rule or doctrine, the doctrine that the enumeration of specific items excludes others not so listed. (*expressio unius est exclusio alterius*). The Supreme Court of Florida decided that, "by expressly excluding two forms of payment to an individual, which appear to be otherwise exempt from legal process, the legislature **intended** to 'preempt the field' of exclusions and to subject to chapter 61 income deduction all other forms not so mentioned." (emphasis added). See also City of Miami v. Kichinko, 22 So. 2d 627, 629 (Fla. 1945).

On the other hand, the same general law **does not prevail** over a special act with regard to marital asset distribution. In Board of Pension Trustees v. Vizcaino, 635 So. 2d 1012 (Fla. 1st DCA 1994), the First District Court of Appeals explained that the City of Jacksonville's General Employee Pension Plan, created by special act of the Legislature, contained an anti-alienation clause. According to the special act, chapter 18610, Laws of Florida (1937), "Pensions under this Act are not assignable or subject to any legal process."

The trial court had ordered the employer to pay Anna, the nonparticipant spouse, 3 percent of the net retirement benefits due to Jose, the participant spouse. The First District Court of Appeals disagreed and reversed. The court distinguished Alvarez. The court reasoned that section 61.1301, Florida Statutes: (1) contains the complete mechanism for income deduction; (2) is expressly limited to collection of alimony and child support; and (3) cannot be used to force direct payment to Anna of a portion of Jose's pension benefits. The court noted, however, that the Legislature could amend and expand the general law, section 61.1301, Florida Statutes, beyond alimony and child support. The Legislature could achieve an equitable distribution of marital assets by express reference to such payments.

CONCLUSION

Legislative intent will govern as to what law prevails in the event of a conflict. The longstanding principles of statutory construction, such as "general law will not derogate from a special act" or "a complete revision of a subject will supersede a special act," need only be examined when the intent of the Legislature is not plainly expressed in newly enacted legislation.

The many doctrines, principles, or rules of statutory construction have evolved over the years . They may be emphasized or disregarded by the courts for the purpose of divining legislative intent or reaching desired results. Consequently, the actual application of these rules of construction in various instances may be no more predictable or ascertainable than the effect of a roll of the dice on the outcome of a game.

An express statement, leaving no doubt as to whether the Legislature's intent is to modify, abrogate, or repeal prior law relating to the same substantive area is recommended for any general or local bill that could be deemed in conflict with any existing provision of law.

APPENDIX E: “LIKE VOTE”

PROHIBITED SPECIAL LAWS “LIKE VOTE” PROVISION

Paragraph (21) of subsection 11(a) of Article III of the Florida Constitution prohibits special laws or general laws of local application pertaining to “any subject when prohibited by general law passed by a three-fifths vote of the membership of each house.” Furthermore, “[s]uch law may be amended or repealed *by like vote*.” (emphasis added)

The law is unsettled with respect to whether the “like vote” requirement to amend or repeal a law on a subject that was added to the prohibited subject list means that the amendment or repeal may be made (1) by any general or special law passed by a three-fifths vote; or (2) only by amending or repealing the underlying general bill that created the prohibited special law by a three-fifths vote. There is no case law on the issue and Florida attorneys general have come down on both sides of this issue.

The most current opinion concludes that a general law passed by a three-fifths vote of the Legislature prohibiting special or local laws on a particular subject may be amended or repealed by a special act which has passed by a like vote of three-fifths of each house of the Legislature. Op. Att’y Gen. 83-27 (May 5, 1983). The Attorney General advised that the constitutional provision does not expressly provide that amendment or repeal may only be accomplished in the same manner or by general law.

On the other hand, in 1969, the Attorney General was asked whether it was possible to pass special legislation providing compensation to county officers, although such compensation was prohibited by section 145.16(2) of the Florida Statutes (a general law passed by 3/5 vote). The Attorney General then advised that the general chapter law creating the prohibition, chapter 69-211, Laws of Florida, operated to “prohibit and prevent effectiveness of any special act on the specified subject thereafter until amendment or repeal of... Ch. 69-211.” Op. Att’y Gen. 69-80 (August 28, 1969).

When the 1983 opinion was issued it raised concerns with both House and Senate bill drafting offices. Senate Bill Drafting promptly expressed disagreement with the opinion in a memorandum of May 10, 1983. Specifically:

The Florida Constitution, and particularly Article III, limit the power of the Legislature, especially the power, by any vote, to pass a local bill that conflicts with a constitutional prohibition implemented by general law;

The plain and obvious meaning of the prohibition “must be construed as implying that the general law must be expressly amended or repealed by another general law enacted by like vote;”

As was true in 1968 when the provision was added to the Florida Constitution, local bill history reveals that most local bills pass unanimously; thus, no construction should be applied to a constitutional provision that would render it a nullity; The constitutionally prescribed method for circumventing a general law is by amending or repealing the general law; therefore, a conflicting local law is impliedly prohibited by general rules of constitutional construction; and finally,

General laws enacted pursuant to section 11(a)(21), Article III of the Florida Constitution are given the same effect as constitutional prohibitions. The purpose of this section is to specify subject matters with respect to which uniformity throughout the state is required and to negate, with respect to local laws on these subjects, the statutory rule of construction that local acts may supersede conflicting general law.

Senate Bill Drafting concluded that, “[u]ntil a general law enacted pursuant to Art. III, section 11(a)(21) is expressly amended by another general law in the manner specified by the Constitution, the Legislature is without the power to pass, by any vote, a local bill which conflicts with the general law constitutional prohibition.

In its manual entitled *Drafting Local Legislation in Florida* (1985), House Bill Drafting also took issue with the 1983 opinion and argued that the interpretation therein “negates the whole point of the constitutional provision.” As stated in the 1969 Attorney General Opinion, the chapter law containing the prohibition would have to be amended or repealed before contrary special legislation could be passed. *Id.* According to House Bill Drafting, “[t]he plain meaning of Section 11(a)(21) of Article III is that the subject of the prohibition itself may be directly altered or removed by extraordinary vote of the Legislature, not that exceptions to it may be created and the prohibition disregarded by the quiet passage of single-county local bills.

Notwithstanding these expressions of disagreement with the 1983 Attorney General Opinion on the meaning of “like vote” the Legislature has continued to pass by more than three-fifths vote, special acts that are exceptions to matters added by general law to the Article III, paragraph 11(a)(21) prohibited subject list of the Florida Constitution. The concerns noted above may be partially alleviated by House Rule 5.5(b), which provides:

A local bill that provides an exemption from general law may not be placed on the Special Order Calendar in any section reserved for the expedited consideration of local bills.

Those wishing to create a local exception to a law placed on the prohibited subjects list by adoption of a general law as provided in paragraph 11(a)(21) of Article III, should take note that this difference of opinion exists and are advised that amendment or repeal for a local area through the vehicle of a local bill introduces some risk, particularly if the bill is a controversial one.

APPENDIX F: EXCERPT FROM SHEPARD'S CITATIONS

Repealing Chapter Laws

Example of Special Acts Index excerpt for a charter:

Charter
Abolished; referendum, 69-929
Adoption, 1913, 6673; 1923, 9698; 1937,
18447; 69-929
Amendment, 1929, 14589; 1931, 15117;
1955, 30647; 59-1166; 59-1167;
65-1352; 69-929

Example of section from chapter 69-929, Laws of Florida, repealing all prior special acts without *expressly* repealing *all* of the special acts:

Section 17-2. Laws repealed.

Chapter 18447, Acts of 1937 and all expressed or implied amendments thereto shall be deemed repealed as of the effective date of this charter.

Shepard's Citations excerpt which shows the special act expressly repealed by chapter 69-929, Laws of Florida, as repealed:

Ch. 18447 Chapter 18447, Acts of 1937
Rs 1969C929
§§ 1 to 5
Rs 1969C929
§ 6
Rs 1969C929
Subsec. a
1955C30647
Subsec. j
1955C30647
§ 7
Rs 1969C929

Shepard's Citations excerpts which show that special acts not expressly repealed by chapter 69-929, Laws of Florida, are still valid. Below are two excerpts in which repealed special acts should be listed as repealed. However, the special acts are not listed, and it appears that there has been no alteration or repeal of the special acts.

Chapter 30647,
Laws of Florida,
1955.

Ch. 30639
397So2d458
§ 2
A 1957C1201
§ 6
A 1967C1184
§ 8
A 1957C1201
Ch. 30650
A 1963C1365
127So2d707
§ 2
A 1959C1317
A 1963C1365

Ch. 1158
34FIS118
Ch. 1162
Rs 1971C582
§§ 1 to 4
Rs 1971C582
Ch. 1177
§ 1
A 1973C431
A 1976C346
A 1977C528
A 1979C440
A 1980C476
A 1981C360

Chapter 59-1166 &
Chapter 59-1167,
Laws of Florida

APPENDIX G: RESOURCES FOR LOCAL BILLS

Local Bill/Special Act Process: TIME FOR CHANGE?, February 1996, prepared by the Committee on Community Affairs, Florida House of Representatives, Tallahassee, Florida, and the supplemental reports dated December, 1996, July, 1997, and August, 2000.

The Florida Local Government Formation Manual, December 2004, prepared by the Local Government Council, Florida House of Representatives, Tallahassee, Florida.

Special Districts & the Delivery of Municipal Services, April 1996, prepared by the Committee on Community Affairs, Florida House of Representatives, Tallahassee, Florida.

Drafting Local Legislation in Florida, 1995, prepared by the Florida House of Representatives, Bill Drafting Service, Tallahassee, Florida.

Guidelines for Bill Drafting, 2001, prepared by the Florida House of Representatives, Bill Drafting Service, Tallahassee, Florida.

Draft List of Florida's Legislative Delegations, January 2005, prepared by the Local Government Council, Florida House of Representatives, Tallahassee, Florida.

APPENDIX H: EXAMPLES OF LOCAL BILLS

The sample bills that follow are included primarily to show the format and general organization of local bills. These samples do not address the more complex situations that are often encountered. By using them as a guide in combination with other examples that can be found in current editions of Laws of Florida, Volume II, Special Acts, the drafter should be able to produce a product that is technically correct.

As shown on the diagram on the next page, there are five basic parts of a bill: the title, the enacting clause, the directory, the body, and the effective date. These are described in detail in the publication *Drafting Local Legislation in Florida, 1995*, prepared by the Florida House of Representatives, Bill Drafting Service, The Capitol, Tallahassee, Florida 32399-1300.

	1	A bill to be entitled
	2	An act relating to the town of Glen Saint Mary,
title	3	Baker County; amending section 10, chapter 57-
	4	1338, Laws of Florida, as amended, increasing
	5	the terms of office of councilmen; providing an
	6	effective date.
	7	
enacting clause	8	Be It Enacted by the Legislature of the State of Florida:
	9	
directory	10	Section 1. Section 10 of chapter 57-1338, Laws of
	11	Florida, as amended by chapter 59-1311, Laws of Florida, is
	12	amended to read:
	13	Section 10. At the election to be held on Tuesday
	14	after the first Monday in September 1984 for the election of
	15	two councilmen from among those candidates running for
	16	election from Groups four and five, the councilmen who are
body	17	elected shall serve for a period of 3 years from the date of
	18	said election. At the election to be held on Tuesday after
	19	the first Monday in September 1985, three councilmen from
	20	among those candidates running for election from Groups one,
	21	two, and three shall be elected to serve for a period of
	22	years from the date of said election. Thereafter each
	23	councilman shall serve for a period of 4 years.
effective date	24	Section 2. This act shall take effect upon becoming a
	25	law.
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SAMPLE No. 1: Bill Amending the Present Law



HB 0255

2003

1 A bill to be entitled
2 An act relating to Collier County; amending chapter 69-
3 1326, Laws of Florida, as amended; increasing the
4 borrowing power of the City of Naples Airport Authority;
5 providing an effective date.

6
7 Be It Enacted by the Legislature of the State of Florida:
8

9 Section 1. Subsection (n) of section 4 of chapter 69-1326,
10 Laws of Florida, as amended by chapters 75-451 and 79-516, Laws
11 of Florida, is amended to read:

12 Section 4. The operation of the airport by the authority
13 shall be subject to existing leases, rights and privileges
14 heretofore granted by the City of Naples. The authority is
15 hereby authorized and empowered:

16 (n) To borrow money from time to time, provided that the
17 outstanding indebtedness on loans secured under the provisions
18 of this subsection does not exceed \$15,000,000 ~~five million~~
19 ~~dollars (\$5,000,000.00)~~ at any one time, from any state and
20 federal agency or agencies or private party or parties, both
21 individual and corporate, for the purpose of providing funds to
22 be used in the improving, extending, enlarging, equipping or
23 repairing the airport facilities; to secure such loan or loans
24 by executing a promissory note or notes therefor in the name of
25 said airport authority, which said notes shall be binding
26 obligations of said airport authority; to further secure such
27 promissory notes, the airport authority is authorized to
28 mortgage the project or facilities, excluding the land, for the
29 construction, repair or improvement of which said notes may be
30 executed. With regard to the issuance of any obligations in



HB 0255

2003

31 excess of \$2,000,000, the City Council of the City of Naples
32 shall act in an advisory capacity. However, the advice or
33 recommendations of the City Council shall in no event be binding
34 upon the authority and shall not be construed to impair or
35 inhibit the right to issue any such obligations.

36 Section 2. This act shall take effect upon becoming a law.

Sample No. 2: Bill Repealing the Present Law

ENROLLED

2002 Legislature

HB 423

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An act relating to Dixie, Gilchrist, and Levy
Counties; repealing chapter 84-423, Laws of
Florida, relating to the Tri-County Hospital
Authority; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Chapter 84-423, Laws of Florida, is
repealed.

Section 2. This act shall take effect upon becoming a
law.

**Sample No. 3: Bill Amending A Law Which Has Been
Previously Amended**



HB 0517

2003

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A bill to be entitled

An act relating to the Lee County Sheriff's Office, Lee County; amending chapter 74-522, Laws of Florida, as amended; revising the health insurance coverage of retirees to include partial payment for dependents; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (f) of subsection (2) of section 15 of chapter 74-522, Laws of Florida, as amended by chapter 99-434, Laws of Florida, is amended to read:

Section 15.

(2) Effective October 1, 1986 and thereafter, it is the duty of the sheriff of Lee County to provide annually in his budget a sufficient sum of money to pay a percentage of the cost of the health insurance of members of the Lee County Sheriff's Office who retire from active service after having accumulated at least 15 years of creditable service under the Florida Retirement System. The health insurance costs payable pursuant to this section include premiums for major medical and hospitalization insurance, but do not include premiums for dental insurance. When a retiree receiving this health insurance benefit becomes eligible for Medicare, his health coverage will convert to the Medicare Supplement health insurance.

(f) The Lee County Sheriff's Office shall pay for the health insurance coverage of the retiree and 50 percent of his or her dependents' health insurance coverage only if the retiree's health insurance is paid at 100 percent of the premium at 20 years of service only. A retiree who obtains benefits



HB 0517

2003

31 without attaining 20 years of service ~~The retiree~~ may pay for
32 the health insurance of his or her dependents. Upon a retiree's
33 death, his or her spouse may continue the health insurance
34 coverage previously provided by the retiree. Premiums must be
35 paid to the Lee County Sheriff's Office.

36 Section 2. This act shall take effect upon becoming a law.

Sample No. 4: Bill Containing A Land Description



HB 1545

2003

A bill to be entitled

An act relating to the City of Coral Springs, Broward County; extending and enlarging the corporate limits of the City of Coral Springs to include specified unincorporated lands within said corporate limits; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. The present corporate limits of the City of Coral Springs, Broward County, are hereby extended and enlarged so as to include, in addition to the territory presently within its corporate limits, the area particularly described as follows:

All that portion of the Sawgrass Expressway, as shown on Sawgrass/Deerfield Expressway Right of way Map, recorded in Misc. Map Book R/W 11, Page 36, of the public records of Broward County, Florida, in the South One-Half (S 1/2) of Section 5, Township 48 South, Range 41 East, and in the South One-Half (S ½) of Section 6, Township 48 South, Range 41 East, and in the North One-Half (N 1/2) of Section 7, Township 48 South, Range 41 East and in the North One-Quarter (N 1/4) of the Southwest One-Quarter (SW 1/4), of said Section 7, together with: That portion of the Sawgrass Expressway right of way in Sections 11 and 12, Township 48 South, Range 41 East, Broward County, Florida, described as follows: BEGINNING at the intersection of the South right of way line of the



HB 1545

2003

Sawgrass Expressway as shown on Sawgrass/Deerfield
Expressway Right of way Map, recorded in Misc. Map
Book R/W 11, Page 36, of the public records of Broward
County, Florida, with the East line of the West One-
Half (W ½) of Tract 8 of FLORIDA FRUIT LANDS COMPANY'S
SUBDIVISION NO. 2 of said Section 11, according to the
plat thereof, as recorded in Plat Book 1, Page 102 of
the public records of Palm Beach County, Florida,
being a point on the municipal boundary of the City of
Coral Springs, as established by Ordinance No. 82-101
of the City of Coral Springs; THENCE Easterly along
said South right of way line and along the municipal
boundary of the City of Coral Springs, as established
by Ordinance No. 89-161 of the City of Coral Springs,
being along the South right of way line of the
Sawgrass Expressway as described in Civil Action No.
84-023808CN, to the West right of way line of State
Road No. 7, as shown on the Department of
Transportation right of way map No. 86100-2532, sheets
5 and 6; THENCE northerly along said West right of way
line to the North right of way line of the Sawgrass
Expressway, as shown on the aforesaid
Sawgrass/Deerfield Expressway Right of way Map and the
North line of said Section 12;

THENCE Westerly along said North right of way line,
being along the municipal boundary of the City of
Parkland, as established by Chapter 84-505, Laws of
Florida and Ordinance No.19 of the City of Parkland
and along the North right of way line of said Sawgrass



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61 Expressway and along the North line of said Section
62 11, being along said Ordinance No. 19, to the East
63 line of the West One-Half (W ½) of Tract 8 of said
64 FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2;
65 THENCE Southerly along said East line, being along the
66 municipal boundary of the City of Coral Springs, as
67 established by Ordinance No. 82-101 of the City of
68 Coral Springs, to the POINT OF BEGINNING.

69 Section 2. All public roads and the public rights-of-way
70 associated therewith, lying within the limits of the lands
71 subject to annexation herein, as described in section 1, are
72 transferred from Broward County jurisdiction to the jurisdiction
73 of the annexing municipality, except for county collector roads
74 and all roads within the state highway system and any public
75 rights-of-way associated therewith.

76 Section 3. On the effective date of this act, the City of
77 Coral Springs shall be responsible for and embodied with all
78 municipal powers granted in chapter 166, Florida Statutes, over
79 territory hereby annexed.

80 Section 4. Nothing in this chapter shall be construed to
81 affect or abrogate the rights of parties to any contracts,
82 whether the same be between Broward County and a third party or
83 between nongovernmental entities, which contracts are in effect
84 prior to the effective date of annexation.

85 Section 5. This act shall take effect September 15, 2003.

Sample No. 5: Bill Containing All New Text



ENROLLED
HB 0645

2003 Legislature

A bill to be entitled

An act relating to the Consolidated Government of the City of Jacksonville, Duval County; amending chapter 92-341, Laws of Florida; requiring that all elected officials within the consolidated government complete ethics education training; requiring that Chapter 602, Jacksonville Ordinance Code, apply to all such elected officials; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 18.10 is added to article 18 of chapter 92-341, Laws of Florida, to read:

ARTICLE 18. MISCELLANEOUS PROVISIONS

Section 18.10. Ethics education and application of ethics laws.--Within 90 days after taking office, every elected official within the consolidated government shall complete ethics training as required by Section 602.1001, Jacksonville Ordinance Code. This requirement shall apply to all elected officials within the consolidated government, including, without limitation, the Mayor, all City Council Members, all Duval County School Board Members, the Sheriff, the Supervisor of Elections, the Property Appraiser, the Tax Collector, and the Clerk of the Circuit and County Court. Additionally, all such elected officials shall be included in the definition of the term "officer" in Section 602.201(x), Jacksonville Ordinance Code, and all such elected officials shall comply with all laws applicable to officers in Chapter 602, Jacksonville Ordinance Code.

Section 2. This act shall take effect upon becoming a law.

Sample No. 6: Example of a Coded Bill



HB 0373

2003

A bill to be entitled

An act relating to the Martin County Environmental Control Act; amending chapter 78-560, Laws of Florida; revising meeting requirements of the Martin County Environmental Control Board; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (b) of section 4 of chapter 78-560, Laws of Florida, is amended to read:

Section 4. Martin County Environmental Control Board; Organization.

(b) The presence of three (3) members of the Board shall constitute a quorum necessary to hold a meeting and take any action. A majority vote of the quorum present shall be necessary to take any action. The members of the Board shall annually elect a chairman who shall serve at the will of the Board. The chairman may call meetings of the Board, and meetings may be called by written notice signed by three (3) members, and the Board at any meeting may fix and call a meeting on a future date. Meetings will be held no less frequently than once every twelve (12) months ~~every ninety (90) days~~. Minutes shall be kept of all meetings of the Board. All meetings shall be public.

Section 2. This act shall take effect upon becoming a law.

Sample No. 7: Example of Codification Language



ENROLLED
HB 1449, Engrossed 1

2003 Legislature

A bill to be entitled

An act relating to Indian River and Brevard Counties; codifying, amending, and reenacting special acts relating to the Sebastian Inlet Tax District, an independent special district; providing for a governing body; providing powers and duties; providing for construction and maintenance of an inlet between the Indian River and the Atlantic Ocean; authorizing the levy of taxes; providing severability; repealing chapters 7976 (1919), 8901 (1921), 12259 (1927), 18138 (1937), 18139 (1937), 22891 (1945), 63-910, 76-329, 78-470, 82-307, and 88-535, Laws of Florida; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Sebastian Inlet Tax District, also known as the Sebastian Inlet District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act.

Section 2. Chapters 7976 (1919), 8901 (1921), 12259 (1927), 18138 (1937), 18139 (1937), 22891 (1945), 63-910, 76-329, 78-470, 82-307, and 88-535, Laws of Florida, are codified, reenacted, amended, and repealed as herein provided.



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Section 3. The Sebastian Inlet Tax District is reenacted, and the charter for the district is re-created and reenacted to read:

Section 1. A special taxing district is hereby created to be known as the Sebastian Inlet Tax District, an independent special district, to consist so much of Brevard and Indian River Counties, Florida as is described and embraced in the following boundaries, to-wit:

All of the Third Commissioner's District of Brevard County and that part of the Fourth Commissioner's District of Brevard County, Florida, bounded on the north by the township line between Township Twenty-five (25) , and Township Twenty-six (26) and all of that part of Indian River County, Florida, which comprised and made up the First Commissioner's District of Saint Lucie County, Florida, as located and established upon the passage of Chapter 7976, Laws of Florida, Special Acts of 1919 aforesaid.

Section 2. A governing body of said Sebastian Inlet Tax District, to be known and designated as the "Board of Commissioners of Sebastian Inlet Tax District," shall be composed of five members, who shall have been and shall be elected as provided by law. Said governing body shall have all the powers of a body corporate, including the power to sue and be sued as a corporation in said name in any court; to contract; to adopt and use a common seal and alter the same at pleasure;



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to purchase or otherwise acquire, own, hold, lease, sell, mortgage, and convey or otherwise dispose of such real estate and personal property as said Board may deem proper to carry out the purposes of this act; to appoint during its pleasure a Chief Engineer, a Consulting Engineer, and such agents and employees as said Board may require or deem advisable; and to borrow money and to issue negotiable promissory notes or bonds therefor to enable it to carry out the provisions of this act.

Section 3. (a) Members of the Board shall be elected at the general election held in November of each even-numbered year. The terms of office of such Board members shall be for 4 years and until their successors are duly elected and qualified. Each member shall be a qualified elector and resident within the District; however, three members, or a majority, of the Board shall reside in the county within the District's boundaries with the larger population. Two members shall reside in the other county. All candidates for office shall stand for election in all precincts of the District.

1. The terms of the Board members shall be staggered, with three Board members standing for election in one general election for a 4-year term, and two Board members shall be elected 2 years later at the general election for a 4-year term.

2. Newly elected Board members shall take office at the next regularly scheduled meeting of the Board, or, if that meeting is not planned within 30 days after the election, then a special meeting shall be called for the purpose of seating the new members of the Board and providing them with an orientation.



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(b) Board members shall be elected on a nonpartisan basis by a majority of the qualified electors of the District voting at the election to be held in both Indian River and Brevard Counties as follows:

1. Any candidate for membership on the Board shall qualify as provided by law. The ballots shall be in the form for general elections as provided by law.

2. The election officials of each voting district or precinct within the Sebastian Inlet Tax District shall conduct the election of the members of the Board of Commissioners of the District at the time of conducting such general election. Each voter who is qualified to vote in each such general election in the respective election districts or precincts situated within the boundaries of the Sebastian Inlet Tax District and who resides within the boundaries of such District shall be entitled to cast a ballot for the election of members of the Board of Commissioners of said Sebastian Inlet Tax District.

3. Upon the closing of the polls in each election district or precinct, the officials conducting such elections shall tally the votes cast for members of the Board of Commissioners of the Sebastian Inlet Tax District. The vote shall be canvassed in the manner provided by general law.

(c) Before he or she assumes office, each Board member shall be required to give to the Sebastian Inlet Tax District a good and sufficient surety bond in the sum of \$2,000 conditioned for the faithful performance of the duties of his or her office and said bond to be approved by and filed with the Clerk of the Circuit Court of Brevard County. Said bond shall be recorded in



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the minutes of said Board of Commissioners of said Sebastian Inlet Tax District. The failure of any person so elected as a member of the Board of Commissioners of the Sebastian Inlet Tax District to give such bond within 30 days after his or her election as such shall create a vacancy as to such Board member. In such event or in the event of any vacancy on said Board of Commissioners of the Sebastian Inlet Tax District, whether by resignation, death, removal from the District, or otherwise, within 30 days after the existence of such vacancy, the Governor of the State of Florida shall appoint a Board member as provided by law to fill such vacancy, who shall serve for the remainder of such expired term and who shall give bond as hereinbefore provided.

(d) All meetings shall be open to the public. The Board shall conduct all meetings in accordance with chapter 286, Florida Statutes. In addition, notice of the meetings shall be sent to the news media at least 7 days in advance, stating the time, date, location, and purpose of the meeting. A majority of the members may convene in special session when called by a majority of the members or the chair. Actions taken at special meetings shall have the same force and effect as if taken at a regular meeting. Two days' written notice of the time and purpose of a special meeting shall be given to all members and the news media. The minutes of the meeting shall set forth the facts regarding the procedure in calling the meeting and the reason therefor and shall be signed either by the chair or by a majority of the members. Upon due public notice, regular or special meetings of the Board shall be held at any appropriate



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public place in the District which is readily accessible to the general public; however, at least 50 percent of the number of meetings of the Board held each year shall be held in Indian River County.

(e) All bookkeeping and accounting of the District shall meet the requirements imposed by law for special districts.

(f) All purchasing and bidding shall be in accordance with the procedures used by the Brevard County Board of Commissioners.

Section 4. As soon as practicable after this act becomes a law, the Board holding over or after they have been duly elected or appointed and have qualified, they shall meet and organized by the election, from among their number, of a chair, a vice-chair, a secretary/treasurer. Three members of the Board shall constitute a quorum. The affirmative vote of two members shall be necessary to transact business. The chair and all members of the said Board present shall vote at meetings of the Board as provided by law.

Section 5. The members of the Board shall each receive the sum of \$3,600 per year commencing October 1, 2003. The salary shall be paid in monthly installments as compensation for serving on the Board, but Board members shall not be reimbursed for any travel expenses inside the boundaries of the District. The members of the Board shall be reimbursed for per diem and travel expenses outside the boundaries of the District in accordance with the law.

The members of the Board shall set their own compensation for each fiscal year commencing October 1, 2004, provided the



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Board shall not increase its members' compensation for any fiscal year by a percentage greater than the percentage the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) increased from the date of the commencement of the fiscal year when the Board members last received an increase in their compensation. In the event the U.S. Department of Labor no longer publishes the Consumer Price Index, the Board must use a similar published standard to set any increase in its compensation.

Section 6. It shall be the duty of said Board of Commissioners of Sebastian Inlet Tax District to construct, improve, widen or deepen, and maintain the inlet between the Indian River and the Atlantic Ocean. With character, manner of construction of said inlet shall be determined by said Board of Commissioners with the approval and recommendation of the Chief Engineer, and said Board is further authorized to do all acts and things proper, necessary, or convenient for the aforesaid purposes. The opening and maintenance of such inlet or waterway connecting the waters of the Atlantic Ocean with the waters of the Indian River within the Sebastian Inlet Tax District are hereby found and declared to be for public purposes and to be necessary for the use of shipping and for transportation and for the extension of commerce of the State of Florida and of said District, and also to be necessary for the maintenance of the health of the inhabitants of the territory embraced in the said District and for the convenience, comfort, and welfare of the said District and the inhabitants thereof. The District is authorized to conduct such programs and projects as it finds



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necessary or convenient for beach renourishment, erosion control, environmental protection, navigation, boating, recreation, and public safety for the operation and maintenance of the inlet and the waters of the Atlantic Ocean and Indian River Lagoon adjacent thereto.

Section 7. The Board shall elect a Chief Engineer. The depth, width, character, and manner of improvement and construction of said inlet or waterway shall be determined by said Board upon the approval and recommendation of the Chief Engineer of the Board. The Board, in setting the depth of the inlet, shall consider the impact on navigation from the Intracoastal Waterway to the Atlantic Ocean.

Section 8. The said Board shall have the power and authority to hold, control, and acquire by gift or purchase, for the use of the District, any real or personal property and to condemn any lands or easements needed for the purposes of the District. Said Board is authorized to exercise the right of eminent domain and institute and maintain condemnation proceedings as prescribed by the laws of Florida.

Section 9. The Board of Commissioners of Sebastian Inlet Tax District is hereby authorized and empowered to levy upon all of the real and personal taxable property in said District a special tax not exceeding 1 1/2 mills on the dollar for the year 1977, and for each and every year thereafter, to be used solely for the purpose authorized and prescribed by this act. Said levy shall be made each year, not later than September 30 of each year by resolution of the Board, or a majority thereof, duly entered at large upon its minutes. Certified copies of such



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resolution executed in the name of the Board by its chair and secretary and under its corporate seal shall be made and delivered to the Board of County Commissioners of Indian River County, to the Board of County Commissioners of Brevard County, and to the Chief Financial Officer of the State of Florida not later than September 30 of each and every year thereafter. It shall be the duty of the Board of County Commissioners of Indian River County and the Board of County Commissioners of Brevard County to order the assessment and collection of taxes levied by the Board of Commissioners of the District within the respective counties in the manner provided by law for regular property taxes in the county. Proceeds of such taxes shall be paid within the time and in the manner prescribed by law to the treasurer of the Board. All such taxes shall be held by the treasurer for the credit of the Board and paid out by him or her as provided herein.

Section 10. Said Board is hereby authorized and empowered, in order to provide for the work prescribed by this act and to pay the expenses incident to all such work or any other expense necessary in carrying out the general purposes of this act, to borrow money, temporarily, from time to time for a period of time not exceeding 2 years at any one time, and to issue its promissory notes therefor upon such terms and at such rates of interest as said Board may deem advisable. Any note so made and issued may be paid out of the proceeds of the bonds authorized to be issued by this act or out of any other revenues or funds of said Board, and said notes shall be a charge upon all of the revenue and property of said Board. In case of an injury by



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storm or otherwise to any of the works of this District, thereby causing an emergency which must be met at once in order to protect or reconstruct such works, said Board is authorized to borrow money under the terms prescribed above in order to meet such emergency.

Section 11. All work done under the provisions of this act, both in construction and maintenance, shall be carried on under the supervision of a competent Chief Engineer to be employed by said Board, and no money shall be paid out for any such work to any contractor or subcontractor until such work has been inspected and approved by the Board's Chief Engineer.

Section 12. It shall be the duty of the Board of Commissioners of Sebastian Inlet Tax District to use every reasonable means to maintain, protect, and preserve any and all of the works constructed by said Board, and for such purposes the said Board is authorized to use funds derived from taxes assessed and collected for Sebastian Inlet Tax District.

Section 13. Whoever shall willfully damage any ditch, canal, levee, inlet, waterway, jetty, or other work established or constructed under this act or who shall fill in or obstruct the flow of water in any inlet, canal, or waterway, or remove any earth, stone, or other material from the banks of any canal, inlet, waterway, revetment, or ditch without having first obtained permission in writing from said Board to remove such material, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not exceeding \$1,000 or imprisoned in the county jail not longer than 6 months, or both such fine and imprisonment, in the discretion of the Court.



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Section 14. Any clause or section of this act which for any reason may be declared invalid may be eliminated from this act, and the remaining portion or portions shall be and remain in full force and valid as if such invalid clause or section had not been incorporated therein.

Section 15. The Chief Engineer, any Consulting Engineer, and any agent or employee of the Board of Commissioners or District may be removed at any time by the Board.

Section 16. All work performed and materials furnished for the construction of said inlet and for the maintenance of said inlet shall be let by contract in accordance with the general laws of the State of Florida governing acquisition of professional engineering services, the purchase of commodities, and the construction and maintenance of public works. The Board shall have the right to reject any and all bids. Each contractor shall be required to give a surety bond in form and amount to be approved by the Board, with a responsible surety company thereon as surety. The Board, however, as a public authority, is authorized to exempt any person entering into a contract with the District for the construction of any buildings or public works, or for the repair of any buildings or public works, from the requirements for payment, performance, and surety bonds in the manner and the amounts which are authorized by law for other public authorities to exempt their contractors from bond requirements.

In the event of an emergency, the Board of Commissioners of Sebastian Inlet Tax District is authorized to spend a sum not to exceed \$15,000, utilizing the following procedure:



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(a) The Board shall obtain at least three telephone bid offers to perform such work or furnish such property from at least three independent persons or business entities responsible in the subject business endeavor under consideration; and

(b) The Board shall make a record of the offers. After obtaining and recording such offers, the Board, with at least three of five members concurring, shall award the contract to the lowest responsible bidder of those solicited. The Board shall then notify all local news media which commonly cover the area within the District of the type and nature of the emergency and what actions the Board has taken to rectify the emergency.

Section 17. The Board is authorized to vacate any easement or transfer fee simple interest in any real property which it holds to any unit of local, state, or federal government. Prior to such vacation or transfer, the Board shall conduct a public hearing and determine if it is in the public interest to authorize the vacation or transfer. At such hearing, the Board shall consider what effect, if any, the vacation or transfer shall have on public access to the inlet for fishing and recreation purposes and what action best serves the public health, safety, and welfare.

Section 4. Chapters 7976 (1919), 8901 (1921), 12259 (1927), 18138 (1937), 18139 (1937), 22891 (1945), 63-910, 76-329, 78-470, 82-307, and 88-535, Laws of Florida, are repealed.

Section 5. This act shall take effect upon becoming a law.

**Sample No. 8: Example of Fire Control District
Codification Language**



ENROLLED
HB 1251, Engrossed 1

2003 Legislature

A bill to be entitled

An act relating to the Bayshore Fire Protection and Rescue Service District, Lee County; providing for codification of special laws relating to the District; amending, codifying, reenacting, and repealing all prior special acts; providing definitions; providing for creation, status, charter amendments, and boundaries; providing for a board of commissioners and the board's powers, duties, and responsibilities; providing authority to levy ad valorem taxes and non-ad valorem assessments; providing for the District's fiscal year; providing for deposit of District funds; authorizing the District to borrow money; providing for use of District funds; authorizing the board to adopt policies, regulations, and a fire prevention code; providing for liberal construction; providing severability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Pursuant to section 191.015, Florida Statutes, this act constitutes the codification of all special acts relating to the Bayshore Fire Protection and Rescue Service District, located in Lee County. It is the intent of the Legislature to provide a single, comprehensive special act charter for the District, including all current legislative authority granted to the District by its several legislative enactments and any additional authority granted by this act, chapters 189 and 191, Florida Statutes, and chapter 97-340, Laws



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of Florida, as amended from time to time. It is further the intent of this act to preserve all District authority, including the authority to annually assess and levy against the taxable property in the District a tax not to exceed the limit provided in chapter 97-340, Laws of Florida, or chapter 191, Florida Statutes, and as approved by referendum of the qualified electors in the District.

Section 2. Chapters 76-414, 80-520, 84-466, 87-422, 91-398, and 95-459, Laws of Florida, relating to the Bayshore Fire Protection and Rescue Service District, are amended, codified, reenacted, and repealed as provided herein.

Section 3. The Bayshore Fire Protection and Rescue Service District is re-created and the charter for the District is re-created and reenacted to read:

Section 1. Definitions.--As used in this act, unless otherwise specified:

(1) "District" means the Bayshore Fire Protection and Rescue Service District.

(2) "Board" and "board of commissioners" mean the board of commissioners of and for the District.

(3) "Commissioner" means a member of the board of commissioners of and for the District.

(4) "County" means Lee County.

Section 2. District status; boundaries; charter amendments.--

(1) There is created an independent special taxing fire protection and rescue service district incorporating lands in Lee County described in subsection (2), which shall be a public



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corporation having the powers, duties, rights, obligations, and immunities herein set forth, under the name of the Bayshore Fire Protection and Rescue Service District. The District is organized and exists for all purposes and shall hold all powers set forth in this act, chapters 189 and 191, Florida Statutes, and chapter 97-340, Laws of Florida. To the extent of any conflict between this act and chapter 97-340, Laws of Florida, the provisions of chapter 97-340, Laws of Florida, shall supersede this act.

(2) The lands to be included within the District are the following described lands in Lee County:

In Township 43 South, Range 25 East, all of sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 21, 22, 23, that portion of section 24 lying North of the waters of the Caloosahatchee River, that portion of section 25 lying North of the waters of the Caloosahatchee River, that portion of section 26 lying North of the Caloosahatchee River, all of section 27, all of section 28 and in Township 43 South, Range 26 East, all of sections 4, 5, 6, 7, 8, 9, 16, 17, 18, and those portions of sections 19, 20, and 21 lying North of the waters of the Caloosahatchee River.

(3) Nothing herein shall deny the right of the chief or other governing officials of the District to render such services to communities adjacent to the land described in subsection (2), or such other places as from time to time may be deemed desirable.



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(4) The District was created by special act of the Legislature in 1976. Its charter may be amended only by special act of the Legislature.

Section 3. Governing board; creation; employment of personnel; compensation; organization; commissioners' bond.--

(1) Pursuant to chapter 97-340, Laws of Florida, the business and affairs of the District shall be conducted and administered by a board of five commissioners, who shall serve terms of 4 years each. The procedures for conducting District elections and for qualification of candidates and electors shall be pursuant to chapters 189 and 191, Florida Statutes, and chapter 97-340, Laws of Florida, as they may be amended from time to time.

(2) The board may employ such personnel as it deems necessary for the proper function and operation of a fire and rescue department. The salaries of fire department and emergency service personnel, and any other wages, shall be determined by the board.

(3) In accordance with chapter 191, Florida Statutes, and chapter 97-340, Laws of Florida, each elected member of the board shall assume office 10 days following the member's election. Annually, within 60 days after the election of new members of said board, the members shall organize by electing from their number a chair, a vice chair, a secretary, and a treasurer. However, the same member may be both secretary and treasurer.

(4) The commissioners shall receive compensation for actual expenses incurred while performing the duties of their



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office in accordance with general law governing per diem for public officials. Commissioners may receive compensation for their services in accordance with chapter 97-340, Laws of Florida, and chapter 191, Florida Statutes, as amended from time to time.

(5) Each commissioner, upon taking office and in accordance with chapter 97-340, Laws of Florida, and chapters 189 and 191, Florida Statutes, shall execute to the Governor for the benefit of the District a bond conditioned upon the faithful performance of the duties of the commissioner's office. The premium for such bonds shall be paid from the funds of the District.

Section 4. Powers; duties; responsibilities.--

(1) The District shall have and the board may exercise all the powers and duties set forth in this act, chapters 189, 191, and 197, Florida Statutes, and chapter 97-340, Laws of Florida, as they may be amended from time to time, including, but not limited to, ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments, and contractual agreements. The District may be financed by any method established in this act, chapter 189 or chapter 191, Florida Statutes, or chapter 97-340, Laws of Florida, as amended from time to time.

(2) The methods for assessing and collecting non-ad valorem assessments, fees, or service charges shall be as set forth in this act, chapter 170, chapter 189, chapter 191, or



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chapter 197, Florida Statutes, and chapter 97-340, Laws of Florida, as amended from time to time.

(3) The District's planning requirements shall be as set forth in this act, chapters 189 and 191, Florida Statutes, and chapter 97-340, Laws of Florida, as amended from time to time.

(4) Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses for officers and employees shall be as set forth in this act, chapters 112, 119, 189, 191, and 286, Florida Statutes, and chapter 97-340, Laws of Florida, as amended from time to time.

Section 5. Ad valorem taxing authority; non-ad valorem assessments.--

(1) The board shall have the right, power, and authority to levy millage tax against the taxable real estate within the District to provide funds for the purpose of this District. However, they shall not exceed the limit provided by chapter 97-340, Laws of Florida, or chapter 191, Florida Statutes, as amended from time to time. Although the district is authorized to levy a maximum millage rate as provided for in section 191.009(1), Florida Statutes, the district must receive referendum approval, as required by the State Constitution and section 191.009, Florida Statutes, for any increased millage rate above such rate that has been previously authorized by a special act and approved by referendum.

(2) The District shall levy and collect ad valorem taxes in accordance with chapter 200, Florida Statutes, as amended from time to time.



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(3) Non-ad valorem assessments.--The District is authorized to levy and enforce non-ad valorem assessments in accordance with chapters 189, 191, and 197, Florida Statutes, and chapter 97-340, Laws of Florida.

Section 6. Fiscal year.--The District's fiscal year shall begin on October 1 and end on September 30.

Section 7. District funds.--

(1) All funds of the District shall be deposited in qualified public depositories, in accordance with chapters 191 and 280, Florida Statutes, as they may be amended from time to time.

(2) No funds of the District shall be paid or disbursed except by check signed by the treasurer of the board and either the chair or vice chair of the board.

Section 8. Authority to borrow money.--

(1) The board shall have the power and authority to borrow money or issue other evidences of indebtedness for the purposes of the District in accordance with chapters 189 and 191, Florida Statutes, and chapter 97-340, Laws of Florida, as amended from time to time. However, the total payments in any one year, including principal and interest, on any indebtedness incurred by the District may not exceed 50 percent of the total annual budgeted revenues of the District for the year in which the payments are to be made.

(2) Neither the District commissioners as a body nor any of them as an individual shall be personally or individually liable for the repayment of such loan. Such repayment shall be made out of tax receipts of the District except as provided in



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this subsection. The commissioners shall not create any indebtedness or incur obligations for any sum or amount which they are unable to repay out of District funds then in their hands except as otherwise provided in this act. However, the commissioners may make purchases of equipment on an installment basis as necessary if funds are available for the payment of the current year's installment on such equipment plus the amount due in that year on any other installments and the repayment of any bank loan or other existing indebtedness which may be due that year.

Section 9. Board action; authority to adopt policies and regulations.--

(1) A record shall be kept of all meetings of the board and in such meetings concurrence of a majority of the commissioners shall be necessary to any affirmative action by the board.

(2) The board may adopt policies and regulations not inconsistent with any portion of this act, chapter 189 or chapter 191, Florida Statutes, or chapter 97-340, Laws of Florida, as amended from time to time, as it may deem necessary for the transaction of its business and in implementing and carrying out the provisions of this act. The board shall have authority to provide all things necessary for the prevention, extinguishment, and control of fires and for the operation of a rescue service in the District.

Section 10. Fire prevention code.--The board shall have the right and power to enact a fire prevention code or ordinance.



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HB 1251, Engrossed 1

2003 Legislature

in addition to, but not in conflict with, applicable state and local building and fire codes.

Section 4. This act shall be construed as remedial and shall be liberally construed to promote the purpose for which it is intended.

Section 5. In the event that any part of this act should be held void for any reason, such holding shall not affect any other part thereof.

Section 6. Chapters 76-414, 80-520, 84-466, 87-422, 91-398, and 95-459, Laws of Florida, are repealed.

Section 7. This act shall take effect upon becoming a law

APPENDIX I: FIRE DISTRICT INFORMATION SHEET

BASIC QUESTIONS FOR FIRE DISTRICT BILLS

Area size of district: _____

Population of area served: _____

No. of salaried employees: _____

No. of volunteers: _____

No. of equipment: _____

No. of calls in 2004: _____

Average response time: _____

I.S. O. rating: _____

Current millage: _____

If increase in revenues, why is it needed? I.e., purchase of additional equipment hiring additional personnel, building new facilities, etc.

Look for dramatic increases in number of calls or population served, etc.

If annexing additional property:

Size of area to be added: _____ # of people affected: _____

Plan to add new station or personnel? _____

Who was providing service before? _____

Why is their district going to provide the service? _____

Who wants it? _____ Anyone opposed? _____

Person contacted and title: _____

Phone: _____

DISTRICT: _____